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Charter and Ordinances

City of Beaumont

1911

CHARTER

AND

Revised Code of Ordinances

OF

THE CITY OF BEAUMONT

JEFFERSON COUNTY, TEXAS

FEBRUARY 7, A. D., 1911

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF BEAUMONT

CODIFIED BY

McDOWELL & DAVIDSON,

BEAUMONT, TEXAS

F. W. GREER
PRINTER AND PUBLISHER
1911

AN ORDINANCE ADOPTING REVISED CODE OF ORDINANCES.

AN ORDINANCE providing for the adoption and publication of the Revised Code of Ordinances of the City of Beaumont, revised by McDowell & Davidson, and providing for the printing thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Section 1. That there is hereby adopted as the Revised Code of Ordinances of the City of Beaumont, the following ..... typewritten or printed pages, same being the Revised Code of Ordinances of said City of Beaumont, as codified by McDowell & Davidson, under and by virtune of the City Council of the City of Beaumont.

Sec. 2. That the Charter of the City of Beaumont, as enacted by the Thirty-first Legislature of the State of Texas, which became a law on the 24th day of March, A. D. 1909, and which is incorporated and added to the aforesaid ordinances, is hereby enacted as a part of the Revised Code of Ordinances of the City of Beaumont, Texas, and shall have all the force and effect of other ordinances of said City of Beaumont, as far as the provisions of same might be applicable.

Sec. 3. That so much of all ordinances of a general nature in force on the 7th day of February, 1911, as conflict with the provisions of said Revised Ordinances hereby adopted, are hereby repealed, but such repeal shall not affect or impair or in anywise repeal any ordinance providing for the levy or assessment of any taxes, (general, special or local) or any ordinance ordering any

street opened, widened, extended, paved or in any way improved, or any ordinance ordering improvements of any kind, or granting any franchise; or any ordinance of a special or contract nature.

Sec. 4. That should there be any ordinance of the City of Beaumont at this date not inconsistent with, or in any manner in conflict with any of the Revised Ordinances hereby adopted, but omitted from the Revised Code of Ordinances, such ordinance so omitted shall be deemed to be and shall be, in full force and effect and not affected, impaired or in any manner repealed by the adoption of this Revised Code of Ordinances.

Sec. 5. That the said Revised Code of Ordinances, as mentioned hereinbefore, are hereby declared to be in force and effect as a whole from and after this date, and all ordinances in conflict herewith are hereby expressly repealed.

Sec. 6. That it is hereby ordered that said Revised Code of Ordinances mentioned hereinbefore, be printed and published in book form as may be determined by the Council.

Sec. 7. Be it further ordained that wherever in said Revised Code of Ordinances, an office is created or authorized which is not in effect or operation, that no liability shall attach to this City thereunder for any salary or pay of any officer, therein mentioned, nor shall said office be finally created or in effect or operation until the City Council of this City shall have regularly appointed such officer or officers and provided specially his salary or pay therefor, if any.

Sec. 8. That whereas, there exists no Revised Code of Ordinances adequate to the demands of the City of Beaumont, and a public emergency is thereby created, and the Mayor of said City has requested that this ordinance

be passed at this session of the City Council, it is therefore ordered that the rules be suspended and that this Ordinance be put upon its last reading and final passage and be in force from and after this date, and it is so ordered.

Passed by the City Council, this the 7 day of February, A. D., 1911.

Approved by the Mayor, this 7th day of February, A. D. 1911.

EMMETT A. FLETCHER, Mayor
of the City of Beaumont.

ATTEST:
J. G. Sutton, Secretary, City of Beaumont.

OFFICERS OF

CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

April, 1910, to April, 1912.

Mayor.....E. A. FLETCHER
Mayor Pro Tem.....J. T. BOOTH
City Attorney.....A. LUDLOW CALHOUN
City Engineer.....C. L. SCHERER
Asst. City Engineer.....W. E. SAMPSON
City Assessor and Collector.....I. D. ROBERTS
City Secretary.....J. G. SUTTON
Asst. City Secretary.....E. F. FERGUSON
City Treasurer.....PAUL H. MILLARD

ALDERMEN

First Ward:

T. V. SMELKER J. T. BOOTH

Second Ward:

DR. J. I. ELLISON* L. F. GILBERT
R. R. B. HENRY

Third Ward:

S. G. BURNETT C. C. ROBERTS

*Succeeded Jan. 3rd, 1911, by Alderman Gilbert.

COMMITTEES

Finance Committee: T. V. Smelker, S. G. Burnett, C. C. Roberts.

Street and Bridge Committee: C. C. Roberts, T. V. Smelker, L. F. Gilbert.

Police Committee: J. T. Booth, R. R. B. Henry, C. C. Roberts.

Public Grounds Committee: R. R. B. Henry, J. T. Booth, S. G. Burnett.

Fire Committee: J. T. Booth, L. F. Gilbert, C. C. Roberts.

Ordinance Committee: S. G. Burnett, L. F. Gilbert, J. T. Booth.

Light Committee: L. F. Gilbert, T. V. Smelker, R. R. B. Henry.

Sewerage Committee: S. G. Burnett, R. R. B. Henry, J. T. Booth.

Ordinance Enrolling Committee: Alderman S. G. Burnett, City Attorney A. L. Calhoun.

Board of Public Works: C. C. Roberts, T. V. Smelker, L. F. Gilbert.

Records and Accounts: T. V. Smelker, R. R. B. Henry, S. G. Burnett.

PARK COMMISSIONERS

First Ward: J. F. Keith; Second Ward, I. R. Bordages; Third Ward, S. W. Pipkin.

SCHOOL TRUSTEES

E. A. FLETCHER, Mayor and Ex-Officio Chairman
G. W. JUNKER, President. LOUIS MAYER, Secretary.
A. B. BROCK. H. B. FUNCHESS.
W. W. CRUSE. W. F. KEITH.
MRS. W. W. KYLE. MRS. R. A. ANDREWS.
Supt. of Public Schools.....PROF. H. F. TRIPLETT

BUILDING AND ELECTRICAL DEPARTMENT.

Building, Electrical and Meter Inspector....F. H. REED

STREET AND BRIDGE DEPARTMENT.

Acting Street Commissioner.....C. L. SCHERER
Asst. Acting Street Commissioner.....GUY HARDING

FIRE DEPARTMENT.

Fire Chief.....E. E. EASTHAM
Assistant Chief.....M. K. FLETCHER
Fire Marshal.....D. B. CLARK

HEALTH DEPARTMENT.

City Health Officer.....WIL T. WILLIAMS, M. D.
City Registrar.....WIL T. WILLIAMS, M. D.
Deputy.....E. F. FERGUSON
City Bacteriologist.....W. F. THOMPSON, M. D.
City Health Inspector.....D. B. CLARK
City Scavenger.....COLEY BERG

POLICE DEPARTMENT.

Chief of Police.....N. N. SMITH
Assistant.....R. R. BAKER

CORPORATION COURT.

Judge.....J. D. CAMPBELL
Clerk.....E. F. FERGUSON

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PART I

CHARTER

H. B. No. 535.

AN ACT

to grant a new charter to the City of Beaumont, in Jefferson County, Texas, and to fix the boundaries thereof; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the inhabitants of the City of Beaumont, in Jefferson County, and State of Texas, residing within the territory herein described shall be and are hereby constituted a body politic and corporate by the name and style of "The City of Beaumont", and by that name shall have perpetual succession, and shall have all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now possessed and enjoyed by said city or herein granted, and be subject to all its present liabilities and may have a common seal and alter the same at pleasure, and may sue or be sued, plead or be impleaded in all courts of law and equity; may contract and be contracted with; may take, hold and convey, lease and acquire or dispose of any property for whatever purposes, within the city limits, or within the limits of Jefferson County, Texas, together with such other powers, rights and duties as are herein provided.

Sec. 2. That the bounds and limits of said corporation shall be as follows: Beginning on the right bank at the Water's edge of the Neches River, where the cen ter line of Carroll Avenue in the Neches River Park addition to the City of Beaumont strikes said river; Thence with the center line of Carroll Avenue to its terminus and continuing south to the south boundary line of the David Brown league; Thence west with the south boundary line of the David Brown league to the center of Lafayette Avenue on the West Cartwright addition; Thence

north on the center line of said Lafayette Avenue to its terminus and continuing in the same course to the intersection with the south boundary line of the right-of-way of the old Beaumont, Sour Lake and Western Railway Co., now the Frisco railway; Thence with said boundary line to a point opposite to center line of Seventh St. extended south; Thence north to the intersection of the center line of Seventh St., in the Oaks and Parkdale additions to the City of Beaumont; Thence continuing with the center line of said Seventh St., to the intersection of the center lien of Laurel Avenue; Thence west with the center line of Laurel Avenue to its intersection with the center line of Eighth St., in the Averill addition to the City of Beaumont; Thence in a northerly direction with the center line of Eighth St., to the intersection with the center line of Evalon Street; Thence east with the center line of Evalon Street to the center line of 6th Street; Thence northward, at right angles to Evalon Street, to a point on the west edge of the Santa Fe Railway right-of-way; Thence in a Northwesterly direction along the west line of the Santa Fe Railway right-of-way to a point opposite the center line of Caldwell Avenue extended west; Thence east on the center line of Caldwell Avenue to an intersection with the center line of Drake Street; Thence northward with the center line of Drake Street to an intersection of the center line of Plum Street; Thence eastward with the center line of Plum Street to the intersection with the center line of Gulf Street; Thence in a northerly direction with the center line of Gulf Street to a point opposite the center line of Weiss Street, extended southwest; thence in a northeasterly direction to an intersection with the center line of Weiss Street; Thence eastward with the center line of Weiss Street to the intersection with the center line of Colliers Ferry Road; Thence in a southeasterly direction to its intersection with the center line of Cottonwood Avenue; Thence eastward with the Old City Line to Brake's Bayou; Thence down Brake's Bayou with its meander-

ings to the Neches River; thence down the Neches River with its meanderings to the place of beginning.

Sec. 3. Platting of Property. Should any property lying within the city limits as established by this Act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same; provided, that in no case shall the City of Beaumont be required to pay for any of the said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the City of Beaumont for use as public highways and may be cared for as such.

Any territory adjoining the present or future boundaries of said city may from time to time, in any size or shape, be admitted and become a part thereof, on application made or written consent given to the City Council by the owner or owners of the land or as the case may be by a majority of the legal voters resident on the land sought to be added. In all such cases, the territory so added shall be described by metes and bounds, in an ordinance accepting, assenting and adding the same to the municipal corporation and thereatfer the inhabitants of said added territory shall in all respects be on an equal footing with the inhabitants of the original municipal territory.

Sec. 4. That the administration of the business affairs of the said corporation shall be conducted by a Mayor and board of aldermen, to be elected by the qualified voters of the city at large, and to be designated as the "Council," who shall hold their respective offices for two years from the time of their election, and until their successors shall qualify, or in the event of their election or appointment at a time other than a regular

election, then they shall hold their office until the next regular city election, and until their successors shall qualify; and no person shall be qualified to fill the office of Mayor, unless at the date of his election and for the two years next preceding he be a qualified voter and bona fide resident of the city and an owner of real property therein; and the said city council may divide the city into a convenient number of wards, not more than ten, and shall define and establish the boundaries thereof, and may change the said boundaries from time to time, as may be deemed expedient, having regard for the number of inhabitants, so that each ward shall contain as nearly as may be the same number of qualified electors. And the before mentioned board of aldermen shall consist of two aldermen elected from among the qualified voters of each ward; and provided further that the city council may, by ordinance, provide, in the event of said city being divided into six or more wards, that said board of aldermen shall consist of one alderman selected from among the qualified voters of each ward, who shall hold office for two years and until their successors are elected and qualified; no person being competent to fill the office of alderman unless at the date of his election and for two years preceding he be a qualified voter of the city, and for six months prior to such election a bona fide resident of his ward and an owner of real property in said city. Should any alderman remove from his ward during the term for which he was elected, die, become insane, or for any other reason become disqualified to discharge the duties of his office, then his office shall become vacant and the city council shall by ballot elect a proper and duly qualified person, by majority vote of all the aldermen elected and qualified, to fill such vacancy. The aldermen shall receive such compensation as may be fixed by the city council, not to exceed five dollars for each session thereof.

Sec. 5. All qualified electors of the state who shall

have resided for six months next preceding any election for city officials within the limits of said city, shall have the right to vote for Mayor and all other elective officers of said city; provided, in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who are property tax payers within the limits of said city.

Sec. 6. That each ward of the city be established and arranged by districts, one polling place for each one thousand voters or fraction thereof over 250 voting within the limits of said ward at the last municipal election, and when two or more polling places are established, they shall be so located as to be more convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each polling place, which polling places may all be located in the same building, provided the voter shall vote in the ward of his residence. That the first general election of officers of the city shall take place on the first Tuesday in April, 1910, and every two years thereafter and the present incumbents shall hold over until their successors shall qualify.

Sec. 7. There shall be elected by the qualified voters of the city, a Mayor, two aldermen from among the qualified voters of each ward, an assessor and collector of taxes, a chief of police, a city treasurer and a city attorney, who shall hold their respective offices for two years and until their successors are elected and qualified, unless sooner removed by the city council; provided, that the present officers of said city shall hold their offices until the next election of city officers, which shall be held on the first Tuesday in April, 1910, each of whom shall take the oath of office as provided by the Constitution and laws of this State, and shall give such bond as may be required by the city council; and this provision shall apply to such other officers as the city council may provide.

Sec. 8. The mayor shall, not later than the second

meeting of the city council after the next city election, nominate to the council, candidates for city secretary, health officer, city recorder, street commissioner, city engineer, chief of fire department, market master, city scavenger, city electrician, sewer inspector and such other officers as the city council may from time to time create, who shall be confirmed by the council. Should the city council by a majority vote, reject any appointment by the mayor of any officer provided for herein, or refuse to confirm such appointment, the name of such nominee not be again presented to the council by the mayor unless the council shall, by a two-thirds vote of all the aldermen elected, reconsider their action thereon, and the officers confirmed by the city council shall hold their respective offices for two years, unless removed by the city council, and until their successors are confirmed and qualified, and shall perform such duties as may be prescribed by the city council.

Sec. 9. The Mayor with eight citizens of the City of Beaumont of good moral character, six of whom shall be men and qualified voters of said city, and two of whom may be women, shall on and after the date hereinafter mentioned, constitute the board of public school trustees of said city. The board of school trustees of said city as now constituted and existing shall continue as such until the first Tuesday in May, 1909, and until their successors shall qualify; and should a vacancy occur in said board, it shall be filled by the city council, on the nomination of the mayor, for the remainder of the term of office, that is, until the first Tuesday in May, 1910. On the first Tuesday in May, 1909, the city council shall appoint eight citizens with the qualifications above set forth as school trustees, four of whom shall hold office until the first Tuesday in May, 1910, and four until the first Tuesday in May, 1911, said trustees to determine by lot at the first regular meeting after their appointment the term for which each shall hold. On the first Tuesday in May,

1910, and annually thereafter from said date, there shall be appointed by the city council four of said trustees who shall hold office for two years or until their successors shall qualify, and when any vacancy occurs on said board the city council shall have full authority to fill same for the unexpired term. Said trustees shall take the oath of office as prescribed by Article 4020, Revised Civil Statutes of the State of Texas, 1895, and shall serve without compensation, and together with the mayor, who shall be ex-officio member of said board and chairman thereof, shall have exclusive charge and control of the public schools of said city under the laws of the State governing public free schools of independent school districts.

Sec. 10. All elections in the City of Beaumont shall be held in accordance with and shall be governed by the general election laws of the State of Texas, and all amendments thereto, in so far as the same are applicable; and the city council shall have power to pass ordinances regulating the manner of holding all elections, and determine who are qualified voters in such elections, not inconsistent with the Constitution and Laws of the State of Texas.

Sec. 11. There shall be appointed by the mayor and confirmed by the city council, three members of the city council, who shall constitute a board of public works. They shall hold their offices for two years or until their terms of office expire and until their successors are appointed. All matters pertaining to public improvements, involving an outlay of as much as five hundred dollars, shall be referred to said board before they are finally approved by the city council; and they shall, within fifteen days thereafter, make their reports thereon, with such recommendations as they may deem expedient. They shall examine and pass upon all plans and specifications relating to such improvements, and on all bids

for work embraced therein; provided, that the recommendations of the board of public works, as reported to the city council, shall not be final, but may be altered or changed by a majority vote of all of the aldermen present, and after the completion of any such work shall examine and report whether the same has been completed according to contract; and no plans or specifications for any such work shall be adopted, bids accepted, contracts awarded or work accepted for any such improvements until the report of said board in reference to said matter shall have been received and acted upon by the council. Said board may also originate and suggest public improvements, and prepare and recommend plans therefor, including all matters pertaining to their construction.

Sec. 12. The regular meeting of the council shall be held in the City Council Chamber as often as may be determined by the city council, not to exceed three regular meetings per month, beginning at such an hour as may be fixed by said council, and the mayor, of his own motion, may call special meetings for the transaction of special business, by causing the city secretary to serve a written notice on such aldermen, or leaving the same at the residence or usual place of business of each. Any three members of the council may in like manner call special meetings of the council, but no special meeting shall be called except in cases of urgent necessity and the notice, served on the aldermen, shall state the purpose for which the meeting was called. The council may adjourn from day to day until the business properly coming before it is disposed of. A majority of the whole number of aldermen elected and qualified, or the mayor and one-half of the aldermen elected and qualified, shall be required to constitute a quorum; but any three aldermen may convene and compel the attendance of members on any day of regular or special meeting, requiring the chief of police or any police officer to bring in the absent

members; and the council shall adopt proper rules and regulations for the government of its proceedings. The council shall be the judge of the qualifications and election of its members, including the mayor, may punish members or other persons for disorderly conduct during the sittings of the council, to the extent that it may fine and imprison, by its ordinances and rules of order; and with the affirmative vote of two-thirds of the whole number of aldermen elected and qualified may remove any officer of the city for any misconduct or offense, which in the opinion of the council shall render him unfit to hold his office; but no officer shall be removed until he shall have had the opportunity of being heard by himself or by his counsel, or both, and in the investigation of any complaint under this Section the council may subpoena and examine witnesses under the usual rule for taking testimony.

The meetings of the council shall be held with open doors except when by a vote of a majority of the members present it may be deemed expedient, upon a special question, to deliberate with closed doors. The vote on all questions shall be in open session of the city council. At the first meeting of the council after the newly elected members shall have qualified, after every general city election, a mayor pro tem shall be nominated by the mayor from among the aldermen, and shall be elected by the city council, who shall, in the absence or disability of the mayor, preside at meetings of the council, and who, in case of the absence or disability of the mayor, shall exercise all the functions of that office until the return of the mayor, or until such disability be removed. In case of a vacancy in any elective office, for whatever reason, the council upon nomination by the mayor shall fill the vacancy by election of the aldermen elected and qualified, except in the case of a vacancy in the office of mayor, from whatever cause, when the mayor pro tem shall order an election by the people to be held within

thirty days of the time when the vacancy occurred to fill the same, and in the interval the mayor pro tem shall act as mayor.

Sec. 13. The mayor to be elected by the qualified voters of the city shall hold his office for the term of two years, and until his successor is elected and qualified under the preceding Section of this Act. He shall be ex-officio chairman of each of the standing and special committees of the city council, and shall be ex-officio the chief of police of the city, and shall be a conservator of the peace throughout the city. He shall have the power to appoint any number of policemen on special occasions, said policemen to serve only until the emergency shall be passed, in order to preserve the peace of the city. In case of necessity, he shall have the power to call out any military company in the city to aid in the suppression of any riot or public disturbance. He shall be vigilant in enforcing all laws and ordinances enacted for the government of the city; he shall preside at all meetings of the council when present and in case of a tie in the council he shall cast the deciding vote.

The mayor shall have the power to veto any resolution, orinance, act, rule or order passed by the city council, in the following manner; he shall give his reasons for objecting to any action of the council subject to veto, not later than the regular meeting next succeeding that at which such action may be had, which reason so submitted shall be entered upon the minutes of the city council, and, unless the council shall, at a regular meeting not later than the one next succeeding the council at which the reason for the veto shall be submitted, pass such resolution, ordinance, act, rule or order over the veto by a vote of at least two-thirds of all the aldermen elected, taken by ayes and nays, and entered upon the minutes of the council, the said resolution, ordinance, act, rule or order so vetoed shall be inoperative. The mayor

shall have and exercise such power and authority as may be conferred by the city council, not inconsistent with the general purposes and provisions of this Charter, and shall have the power to administer oaths, and shall sign all contracts and approve all accounts for purchase after the finance committee shall have passed upon such accounts. The mayor shall be ex officio recorder of the city and in his absence or inability the mayor pro tem shall act, but the city council may, by ordinance, separate the office of mayor and recorder, and on the recommendations of the mayor, appoint some one possessing the legal qualifications as recorder, and in the absence or inability of the recorder the mayor shall act as recorder in his stead.

It shall be the duty of the mayor at the last meeting of the city council held in January of each and every year, to present to the city council a message containing a statement of the financial condition of the city, including an estimate of the cost of maintaining the various departments of the city government for the past year, and such other recommendations as in his judgment he shall see fit to make. He shall receive a salary not to exceed $3,000.00 per year.

Sec. 14. The City Secretary shall attend the council at its meetings and keep in well bound books a correct journal of the proceedings of that body; he shall be the custodian of the laws and ordinances of the city, and of all its papers, records and archives, and also the custodian of the common seal of the corporation, and shall affix the same to the lawful obligations of the city with his attestations, and to certificates and other matters necessary of attestation emanating from his office, and may administer oaths in all matters pertaining to his office in city affairs. He shall keep the accounts of the city with accuracy and in well bound books, showing at all times the outstanding indebtedness of the city of

every description, and expenditures of each department separately, and the sums due the city, and shall for every obligation of the city, properly approved as provided herein, issue against the city treasurer a warrant for such sum as may be due; and he shall do and perform such other acts as he may be empowered by the city council to do; and all copies of the proceedings of the city council or of other papers, composing the records of the city, when duly attested by the said secretary, under seal of the city, shall be received as original testimony in all courts of this State. He shall receive such salary as shall be fixed by the city council, not to exceed two thousand four hundred ($2400.00) dollars per annum.

Sec. 15. The City Treasurer shall have the custody of all the money belonging to the city, and shall receive all moneys and revenues coming into the city treasury, and pay the same out on properly issued warrants, and shall give ample and acceptable bond to cover all funds in his custody. He shall keep the moneys of the city on deposit in some bank in the city of Beaumont, as he may be directed by the city council, and shall keep his account in well bound books, which books shall be open to the inspection of any citizen at any reasonable and proper time. He shall prepare and publish in some newspaper printed in the City of Beaumont, an accurate and detailed statement and account of the receipts and disbursements of the revenues of the city, and the condition of the treasury, which statement shall be prepared and made up to the last day of December of each year and published on or before the first day of March following; and should the said statement not be made in the manner and at the time provided above, the city treasurer shall be liable to a penalty of $300.00 to be recovered in the county court of Jefferson County, at the suit of the city attorney for and in behalf of the City of Beaumont, and the sureties of the city treasurer on his official bond shall be liable for the amount of such penalty. He

shall also be the treasurer for and receive and disburse the school funds of the city. He shall receive for his services as treasurer the sum of five dollars per annum, and no other compensation.

Sec. 16. That the chief of police shall be the chief police officer of the city, under the mayor. He shall in person, or by some officer of the police force, attend all regular and special meetings of the council. He shall attend upon the recorder's court and shall promptly execute and return all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city. He shall arrest all offenders against the ordinances of the city for offenses committed in his presence or upon information or demand of any reliable person, and shall have authority to take bail for their appearance before the recorder, and in default of giving such bail he shall commit them to the city prison for safe keeping, until they can be brought before the recorder for trial; he shall receive a salary of not to exceed two thousand four hundred dollars ($2,400.00) perannum, and all fees in the corporation court that shall hereafter have accrued to such officer shall be paid into the city treasury for the use and benefit of the city; it shall be the duty of the chief of police and all members of the police court to file in the recorder's court all complaints against persons arrested by them for the commission of offenses of which the corporation court has jurisdiction. He shall have authority to appoint one deputy, who shall be confirmed by the city council, for whose acts and conduct he shall be responsible, who may be suspended by the city council for inefficiency, neglect of duty or misconduct, and such deputy shall have all the power and authority of the chief of police, and shall receive such compensation as may be fixed from time to time by the city council, not to exceed one hundred dollars ($100.00) per month. The Chief of Police

shall perform such other duties, and shall be vested with such other powers, rights and authority as the city council may by ordinance confer, not inconsistent with the Constitution and Laws of this State. He shall be at all times under the direction and control of the mayor and city council, and upon written charges being preferred after trial, he may, by a two-thirds vote of all of the aldermen, be suspended or removed from office for cause deemed by them adequate. He shall not absent himself from the city without obtaining from the mayor or city council a leave of absence, which shall state the duration of his absence. And the chief of police may suggest to the mayor the proper persons for members of the police force of the city of Beaumont, of which force he shall have direct control under the direction of the ordinances and the mayor of the city of Beaumont.

Sec. 17. The city attorney shall receive such salary as may be fixed by the city council, not to exceed three thousand dollars ($3,000.00) per annum; and the said compensation when fixed may be increased during his term, but not diminished. The city attorney elected in 1910 shall serve for two years and until his successor be elected and shall qualify. Said officer shall represent the city in all litigation and in all controversies. The City Council shall be empowered at its discretion to employ an assistant or assistants, and to fix the compensation to be paid for such service and such city attorney and his assistants shall have authority to administer oaths and affidavits. It shall be the duty of the city attorney, when called upon by the city council, to approve in writing all proposed ordinances, before they shall be adopted, or to file with the city council in writing his objections thereto. It shall be his duty to draft all proposed ordinances, granting franchises, and such other ordinances as the city council may direct. It shall be the duty of said officer to inspect and pass upon all papers, documents, contracts and all other instruments

in which the city may be interested. He shall be the legal adviser of the mayor, the city council and school board, or any committee thereof, and all city officers and employees with respect to any legal question involving any official duty or any other matter pertaining to the affairs of the city of Beaumont. The City Attorney shall perform such other duties as the city council may direct. Whenever it shall be brought to the knowledge of the city attorney through the affidavit of ten credible persons, or otherwise, that any person, firm or corporation exercising and enjoying any franchise or privilege from the city of Beaumont has been guilty of a breach of any condition of such grant, or has failed to comply in any material manner with the terms and stipulations thereof, it shall be the duty of said officer to make report of this matter to the city council, together with all facts bearing upon the same, which may be brought to his attention. If the City Council shall determine that said complaints are well founded it shall be its duty to take such action as may be necessary, and in the event the offending person, firm or corporation shall fail or refuse to conform to such orders, as it may make with respect thereto, it shall be the duty of the city council to direct the city attorney to institute suit in the court having jurisdiction thereof, against such person, firm or corporation, so offending, to obtain a judgment of forfeiture of said franchise or privilege, provided the city council shall have the right to employ additional legal service whenever deemed necessary. The city attorney shall attend all meetings of the city council, unless excused. The city attorney shall receive no fees except as herein otherwise specially provided.

Sec. 18. There shall be a court for the trial of misdemeanor offenses, known as the "Corporation Court," with such powers and duties as are defined and prescribed in an act of the Legislature of the State of Texas; and any acts amendatory thereof, entitled, "An Act to

Establish and Create, in each of the cities, towns and villages, of this State, a State Court, to be known as the 'Corporation Court' in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts.''

The magistrate of this court shall be known as the ''Judge of the Corporation Court''; he shall be a qualified voter of the city of Beaumont, shall be nominated by the mayor and confirmed by the city council, shall hold his office for two years, unless sooner removed by the city council, and shall receive such salary as may be fixed by the city council, which salary may be increased, but not diminished during his term of office.

There shall be a clerk of said court, and such deputies as may be created or provided for by ordinance, adopted by the city council, who shall be appointed by the mayor and confirmed by the city council, and shall reecive such salary as may be fixed by the city council.

The Clerk of said court and the deputies thereof shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereof, and generally to do and perform all things and acts, usual or necessary to be performed by clerks of courts, in issuing process of said courts and conducting the business thereof.

The city council may require such clerk or deputies created by it to perform such other duties, in addition to the duties of clerk or deputy clerk, as may be prescribed, or may provide that some other employee or employees of the city, in addition to other duties, may perform the duties of such clerk or deputy clerk, without extra compensation.

Sec. 19. The following are peace officers of the city of Beaumont. The mayor, chief of police, deputy

chief of police, patrolmen, policemen, and every private citizen especially appointed by the mayor or the city council of the city of Beaumont to execute criminal process, and every private citizen when called on by the chief of police. Whenever a peace officer of said city meets with any resistance in discharging any duties imposed upon him by law, he may summon a sufficient number of citizens of said city to overcome the resistance. A peace officer or any other person may, without warrant, arrest an offender when the offense is committed in his presence or within his view, if the offense is one classed as a felony or as an offense against the public peace, or against any of the ordinances of the city of Beaumont, or any person found in suspicious places or under circumstances which reasonably show that such person has been guilty of some felony or breach of the peace, or threaten or about to commit some offense against the laws, either of the city or State. When it is shown by satisfactory proof to a peace officer upon representation of a credible person, that a felony has been committed and that the offender is about to escape, so that there is no time to procure a warrant, such person may, without warrant, pursue and arrest the person accused.

Sec. 20. The assessor and collector shall assess and collect all licenses and taxes levied and imposed by the city council, and shall pay the same over to the treasurer daily, and take duplicate receipts therefor, one of which he shall retain and the other he shall return to the council with his report in detail, showing the several amounts received, by whom paid, which report shall be made to the first meeting of the council in each month. He shall be governed by the rules and regulations hereinafter prescribed in relation to the assessment and collection of licenses and takes imposed by the city council, and shall do and perform such other acts and duties concerning the administration of his office as may be pre-

scribed by the city council, and shall receive such compensation as the city council may fix, not to exceed thirty-six hundred ($3,600.00) dollars per annum, and may appoint one or more deputies who shall be paid by said tax assessor and collector.

Sec. 21. The street commissioner, when one is appointed, shall have oversight of and shall personally supervise the work of the men employed for work on streets and bridges, and when he may deem expedient shall make such suggestions to the mayor and street and bridge committee, as will facilitate the work of the street and bridge forces, but shall have no power to contract any indebtedness on the part of the city for material or labor, unless on the order of the mayor, and shall be under control of the mayor and city council as to work to be performed and as to the manner of doing same. He shall correctly keep the time of men and teams employed and make report of the same weekly to the mayor, duly certified, and shall also keep correct account of tools and material used in his work, and make monthly reports at the first regular meeting in each month to the city council, showing the amount of work performed, the itemized cost of same, and the tools and material on hand on the last day of each month, and the cost of labor and teams for said month. He shall be required to take the oath of office, as may be prescribed by the city council and shall receive such compensation as the city council may fix.

Sec. 22. The city engineer shall be a skilled and professional civil engineer. He shall be required to enter into bond payable to the city of Beaumont in such sum as the city council may from time to time direct, and shall perform such services as may be required of him by resolution or ordinance, and shall receive such remuneration as the city council may from time to time decide upon; provided, the city council may at any time

dispense with the office of street commissioner, and the city engineer shall perform the duties of said office.

Sec. 23. It shall be the duty of the sewer inspector, when one is appointed, to inspect all sewerage and plumbing work performed in the city of Beaumont, and take such steps as may be necessary to enforce the observance of all ordinances of said city relating to plumbing, sewerage and drainage, and also to perform such other services relating to the engineering department of the city government as may be required of him by the city engineer and sewer committee, and may receive such fees and compensation as the city council may provide by ordinance.

Sec. 24. The city health officer shall be a physician in good standing, and shall in conjunction with the mayor and city council have general charge of the sanitation of the city. He shall keep a register of births and deaths in the city, and shall report the same to the council at the first meeting of that body in each month; and shall do and perform such other acts and shall be guided by such regulations as may be prescribed by the city council, and shall receive such compensation as may be fixed by the city council.

Sec. 25. The city scavenger in all matter pertaining to privies and water colsets shall have and exercise such powers as may be lawfully conferred upon him by the city council, which shall have authority to provide by ordinance that he may collect his fees in advance, and it shall be the duty of all persons to obey his orders or instructions in reference thereto, under penalty of fine to be fixed by ordinance; he shall be the only person with power to remove night-soil, and shall receive such fees as may be fixed by the city council, and shall do and perform such other duties as may be lawfully prescribed by the city council; and shall in all things be guided by the ordinances of the city and the laws of the State.

Sec. 26. The chief of the fire department shall have charge of the fire department of the city, including the men, horses, apparatus and houses, under the control of the mayor, city council and fire committee of the city, and under such regulations as may be established by ordinances. He shall make a monthly report to the city council, and may at any meeting of the council make such suggestions with reference to the affairs of his department as in his opinion will enhance its efficiency; and he shall have power under direction of the city council to remove any structure which may be a menace to adjacent property. He shall do and perform such other acts as he may be lawfully directed to do by the city council, and receive such compensation as may be fixed by the city council.

Sec. 27. The officers named in this Charter shall perform the duties prescribed by this Act, and such other duties as may be prescribed by resolution or ordinance. And there shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor with approval of a majority of all the aldermen present at any meeting when such officer, servant or agent shall be nominated, as herein provided, who shall perform such duties and receive such compensation as may be prescribed by resolution or by ordinance. The council may require any officer or agent of the city, as it may deem proper, to give good and sufficient bond, with approved security, for the faithful performance of his duties, in such sums as it may prescribe. That bonds shall be required of the city treasurer and collector in any amount not less than double the amount of funds which may probably be in his hands at one time, to be determined by the city council, which bonds shall be upon such conditions as may be determined by the city council with good and sufficient sureties to be approved by the city council; and the city council shall in like manner re-

quire bonds of any officer or agent of the city through whose hands money of the city may pass.

Sec. 28. That the rules, orders, resolutions and ordinances of the city shall be enforced by fine not to exceed two hundred ($200.00) dollars; provided, that no ordinance shall provide a greater penalty than is prescribed for like offense by the laws of the State. The city council may provide by ordinance for the commutation of fines imposed by labor in a work house, on the streets, or public works, or otherwise, as the council may legally provide, and for the collection of any fine imposed, execution may be issued from the recorder's court in the name of the city of Beaumont against the goods and chattels, lands and tenements of the persons so fined.

Sec. 29. The city council shall have the exclusive control and regulation of all streets, alleys, public grounds and highways, within the corporate limits of the city, and all public parks and grounds, belonging to the city, whether within or without the corporate limits of said city; and shall have power to abate and remove encroachments thereon in a summary manner, to put drains and sewers therein, and when necessary condemn private property for such purposes; to permit, to prevent and to regulate the laying of gas and water mains, and underground conduits of all kinds for whatever purpose therein, and the erection of telegraph, telephone, electric light and street and interurban railway poles therein; to impose such terms as to them may seem proper for the use of the streets and sidewalks, alleys and public grounds, for any purpose whatever, and by any person or corporation, and to demand and collect for the use of the same such compensation as to the city council shall seem meet and proper; to regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the cutting down or filling up and raising of such streets, alleys and prem-

ises; to construct, regulate and keep in repair all bridges, culverts, sewers and crossings, and to control and regulate the use of the same; to construct, regulate and keep in repair all necessary sidewalks and footways and streets; to grade, cut down and fill up and pave the same; to regulate the use and abate and remove encroachments and obstructions thereon, and to compel the removal of the same, and to punish any person or corporation by fine or by the imposition of a penalty, as may be provided by ordinance, to be collected in a civil suit, who shall encroach upon or obstruct the same, or who shall fail to have such encroachments withdrawn, or such obstruction removed, after being notified by order of the city council to remove or withdraw the same, and to provide by ordinance that each day such encroachments or obstructions are permitted to remain after notice is served may constitute a separate offense.

Sec. 30. The city council is hereby authorized and empowered to take and condemn land and real estate within the corporate limits of said city to the public use for streets, alleys and highways, and for extending and widening the same, and for public wharves and landing places for steamers and other craft; for public schools and public squares, parks, pleasure grounds, and for all other public purposes. For the condemnation of any land or real estate, the following proceedings shall be had: The city council shall pass a resolution describing by metes and bounds the land to be condemned, stating for what public purpose it is intended to be used, and thereupon the provisions contained in the Revised Civil Statutes of the State of Texas, A. D. 1895, and subsequent acts of the Legislature relating to the condemnation of lands by railway companies, shall regulate and control the proceedings had and taken by said city for condemnation purposes, so far as applicable; provided, that no person's property shall be taken, damaged, or destroyed for the purposes above named except upon adequate

compensation being paid or secured by a deposit of money in the manner provided by law in condemning property for railroads.

Sec. 31. The city council shall have authority by ordinance or resolution to order the filling up and drainage of any property where water is liable to accumulate and become stagnant; to order the proper and permanent connection of sinks and water closets with the public sewers, the removal of privies and the filling up of cess pools; to order the cutting of weeds and tall grass on private property, and on the adjacent sidewalks; generally to order and control the doing of any work of a sanitary character which may be deemed necessary on or about any premises within the limits of the city of Beaumont, and to prescribe the time within which the same shall be done; and in no event shall any such work be charged against the city, but the expense shall be defrayed by the owners of the property involved.

Sec. 32. No person shall erect any building or fences in the city without first obtaining a permit, and having the lines of his property established by the city engineer; provided, that fences may be constructed on interior lines without such permit, but all permits for building houses and fences shall be issued by the city engineer and approved by the mayor.

Sec. 33. That the city council shall have power to take such measures as they deem effectual, not inconsistent with the General Laws, to prevent the entrance of any pestilential, contagious or infectious disease into the city; to stop, detain and examine for that purpose any person, or any railway train, boat or other public or private conveyance, coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate pest houses or hospitals within the city, or not to exceed five miles from its bounds; to cause any person who shall be suspected of being infected with

any contagious disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence; to prevent persons from infected places coming into the city of Beaumont, and to adopt any sanitary measure whereby the health of the city may be protected and improved; but said corporation shall not have power or authority to prevent railroad trains and passengers therein from passing through the city, but may regulate the speed of such trains passing through and prevent their stopping and in the exercise of such duties the city shall be held as exercising governmental functions.

Sec. 34. The City of Beaumont shall have the right by ordinance duly passed by the city council, to exercise such powers as may be necessary under the State Law for the following purposes:

To secure the safety and convenience of passing in the streets, sidewalks and other places in the city. To fix the squaring and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levies, public roads and places. To establish an active system of inspection over the conduct of persons and premises. To establish and maintain a city police, prescribe the duties of policemen and regulate their conduct. To provide for lighting streets by gas, electricity or other means, and for this purpose may establish gas works or electric works for the manufacture of gas or electricity for the use of the city and the inhabitants thereof. To determine what part of the city slaughter houses, bone boilers, soapmakers, brickyards and other establishments of any business which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupants of adjacent property, shall not be allowed to be carried on or to be allowed, and to regulate the same, and provide for the removal of such establishment. To prevent gunpowder or other explo-

sive material, kerosene, oil or other inflammable material or oils being stored within the city limits, in such quantities as to endanger the safety of the adjacent property; to provide means for the protection against and the extinguishment of conflagration, and for the regulation, maintenance and support of a fire department, to permit or forbid theatres, moving picture shows, balls and other public amusements, and to suppress the same whenever the preservation of order, tranquility, or public safety may require. To close dram shops, drinking saloons and other places where intoxicating liquors are sold, and variety theaters, whenever necessary in cases of conflagration, riot, mob violence or disorder. To define what shall be a nuisance in said city, and to abate same by summary proceedings. To prohibit and punish keepers and inmates of bawdy houses, and to segregate and regulate variety shows, and to determine such inmates and keepers to be vagrants, and to provide the punishment of such persons. To provide a work house or other means of punishment for vagrants and disorderly persons who are unable to pay fines, and to make regulations concerning the same. To regulate weights and measures and to fix penalties for not using the same, and to provide that inspection fees may be fixed by ordinance and shall be paid by the owner of such weights and measures. To provide and keep a city prison. To made all needful and proper regulations concerning keepers of taverns, grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, automobiles and other vehicles, and specially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to locate when, where and how hacks, wagons and other vehicles shall stand at depots, hotels and other public places. To prevent extortion by carriers of passengers or baggage, hacks, drays and all public conveyances, by establishing maximum rates of charges. To suppress

gambling houses, and to punish keepers of gambling houses and pool sellers, and all persons who shall play at cards, or games of any kind, and to punish persons who sell lottery tickets, and who advertise the lottery drawings or scheme, and the results of the drawing of lotteries. To require railway companies and street railway companies and interurban railway companies to keep the streets over which they run properly drained, and if by the construction of the track, travel be thrown to one side, then the streets, at the points shall be kept in repair by such company, and to light the same whenever deemed necessary. To require steam, street railway and interurban railway companies to construct and keep in repair, from curb to curb, bridges and crossings at the intersection of streets and avenues and over all ditches, sewers and culverts on the line of railways on all streets over which they run. To regulate the speed of engines and locomotives and street cars within the city. To regulate burial grounds and cemeteries and to prohibit the burial within the city limits, if deemed advisable, and to condemn and close cemeteries and burial grounds in the thickly settled portions of the city when demanded by the public interest; to remove, or cause to be removed, all bodies interred in such condemned and closed cemeteries and burial grounds, and cause them to be re-interred in a suitable place, and to use such condemned grounds for such purposes as may best subserve the interest of the city. To direct and control the construction of steam railroad, street railway and interurban railway tracks, turnouts and switches, to regulate the grades of the same, where they are below or above the city grades, and that they be required to be constructed and laid out so as to interfere as little as possible with the ordinary travel and use of the streets. The city council may provide, own and maintain gas works, electric light works and water works for the use of the city and the inhabitants and for that purpose may issue and cause to be issued, the bonds of the city, in such

sums as may be requisite and necessary, which bonds shall bear interest at the rate of not exceeding six per cent, and shall be sold at not less than par. The city council, by ordinance, shall fix the denomination of such bonds and the date of their maturity; provided, that no such bonds shall be issued nor sold until a plant of sufficient capacity has been contracted for, and then only a sufficient number of bonds shall be issued to cover the actual cost of construction or purchase; and provided further, that all city bonds issued shall be issued in compliance with the Constitution and Laws of the State of Texas and amendments thereto. The city council shall have authority to provide for a system of public free schools and for a public library in the city of Beaumont, and to this end, make appropriations of the revenues of the city in amounts within the discretion of the council, and may receive donations of books, papers, magazines, periodicals and other property or money for the benefit and maintenance of such public free schools and public library. The city council shall have the power and authority to make all needful and proper regulations in regard to butchers and persons selling meats, game or fish, and shall have the power to compel all such butchers and persons selling meats, game or fish, to have the same inspected before it can be offered for sale, and may prescribe by ordinance the manner in which the same shall be inspected, and shall have the power to compel any person so offering meats, game or fish for sale to pay an inspection fee to the city for having his meats, game or fish inspected. The city council shall also have the power to require that all animals shall be inspected on hoof before the meat can be offered for sale. The city council shall also have the right and power to establish or to arrange for establishing one or more slaughter houses, slaughter pens, either in the city limits or on the outside of same, and may require that all meats to be sold in the city shall first be inspected on the hoof and slaughtered in said slaughter houses and pens, to pay to the city a

fee for said inspection and privilege of slaughtering at said slaughter houses. To provide for the regulation of bakers, and of prescribing the weight, quality and price for bread manufactured and sold in the city of Beamont, according to the price of material or otherwise; and to provide for the inspection of milk cattle, whether kept within or without the city limits, from which milk is sold within the city, and provide for the inspection of milk offered for sale. To establish and regulate public pounds and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the cost of proceeding and the penalty incurred and to order their destruction when they cannot be sold, and to impose penalties on the owners thereof for violation of any ordinance, and to impose penalties on the owners or keepers thereof. To tax, regulate, restrain and prohibit the running at large of dogs and to authorize their destruction when found at large contrary to ordinance, and to impose penalties upon the owners or keepers thereof. To prohibit and restrain or regulate the firing of fire crackers and other fireworks, use of velocipedes and bicycles, automobiles, oldsmobiles, locomobiles, and other vehicles of like character; or use of any pyrotechnic or any other amusements or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells, or the blowing of horns and bugles, crying of goods and all other noises, practices and performances tending to the collecting of persons on the streets and sidewalks, by auctioneers and others for the purpose of business, amusement or otherwise. To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines and locomotives within the city limits. To prescribe the fees that shall be paid the city scavenger for the removal of night soil; to prohibit any one except the city scavenger or those in his employ from removing or

carrying away the contents of any privy, vault or water closet or any other receptacle of human excrement. The right to prescribe by ordinance that it shall be the duty of the city scavenger, whenever in his judgment it may be necessary, to notify the tenants or owners of property that their premises need cleaning, and to have the same cleaned within a certain time, and fine any person who fails or refuses to do so. To prevent any person from bringing, depositing or having within the limits of said city any dead carcasses or other offensive or unwholesome substances or matters, and to require the removal or destruction by any person who shall have placed, or caused the same to be placed upon or near his premises, or elsewhere, any substance or matter, filth or putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated. To regulate the construction, operation and use of switches, to the various manufacturing plants by railroads in the city. It shall have the power to arrange as far as practicable switching facilities for all railroads now or which may hereafter be in the city. No prevent, regulate and control the driving of cattle, horses and all other animals into or through the city. To prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane, vulgar and indecent language, misdemeanors and all disorderly conduct, and punish all persons thus offending. To prevent and punish the keeping of houses wherein indecent, loud or immodest theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments. The city council shall have the power to require on due notice all steam or street railway companies owning tracks within the city limits which may have been or which may hereafter be abandoned by them by non-use, to remove such tracks and re-

store, at their own expense, the street or way upon which such abandoned track is located, to a proper grade. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets. To restrain and punish vagrants, mendicants, street beggars and prostitutes, inmates of bawdy and disorderly houses and gamblers, and the different kind of vagrants, as defined by the State Penal Code. The city council, for the purpose of guarding against the calamities of fire may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits in said city as they may designate and prescribe, and may also, within said limits, prohibit the removing of any wooden building, from one place to another, or the erection thereof, and may direct, require and prescribe that all buildings within the limits so designated and prescribed, as aforesaid, shall be made or constructed of fire proof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof; and may prescribe the manner of acsertaining such damage; may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits, which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be a nuisance, and require and cause the same to be removed in such manner as they shall prescribe and may prescribe limits within which only fire proof roofing may be used, and may impose a penalty for violation of such rules and regulations. The city council shall also have power to pass ordinances authorizing the destroying of clothing, bedding, furniture and buildings infected with germs of any contagious or infectious disease, when in the dis-

cretion of the city council the public health requires the destruction of the same, and may also, in the same manner, authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance by the city council; provided, the city shall pay the value of such property to the owner thereof. And generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the offices of the said city, as well as for the maintenance of the peace and tranquility of said city, as well as for the protection of the persons and property of its inhabitants.

Sec. 35. That no person shall be an incompetent judge, witness or juror by reason of his being an inhabitant or freeholder in the city of Beaumont in any action or proceeding in which said city may be a party interested; and all officers of said city shall be exempt from jury service while holding office. That it shall not be necessary in any action, suit or proceeding in which the city of Beaumont shall be a party, that any bond or security shall be given, but all actions, suits and proceedings shall be conducted as if said bonds or security had been given.

In all judicial proceedings it shall be sufficient to plead an ordinance of the city by caption without embodying the entire ordinance in the pleading, and all printed ordinances or code of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. The property, real and personal, belonging to the city, shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city, in the hands of any person, be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment against the city of Beaumont.

Sec. 36. The city shall have the power to own, lease and construct wharves on the banks of the Neches River and Brake's Bayou within the limits of said corporation, and outside of said city not to exceed one mile from the corporate boundaries, and to make such other improvements as may be necessary for the better navigation of said river and bayou, and for the convenience of landing vessels and their cargoes; and to levy contributions on all such vessels and their cargoes as may land at such wharves, and to demand and collect the same to defray the expense of such improvements and repairs, and to issue bonds for the construction and maintenance thereof.

Sec. 37. The city council shall have the power by ordinance to control, regulate and fix the fees to be charged on all private wharves, whether the same be owned and operated by individuals or corporations, or the lessees or receivers thereof, within the city limits of the city of Beaumont where said wharves are used by the public and charges made for such use by the owners thereof.

Sec. 38. That all public works of improvement of the city of Beaumont, the cost of which shall exceed the sum of five hundred ($500.00) dollars, may be let by contract, and the city council shall advertise for and receive bids for the doing of such work, and shall in its discretion accept the bid that is deemed to the best interest of the city of Beaumont. The city council shall determine the nature and expenses of sidewalks, curbing, drainage, sewer and paving improvements, and the drainage and sewer districts as heretofore laid out may remain as determined or be changed. The city council shall designate the streets and portions of streets on which improvements shall be constructed, and the city engineer or some special engineer employed by the council, shall be directed to prepare plans and specifications for the same for at least two classes of standard material, in the

case of paving, and for cement, brick and stone for curb walls, which said specifications shall be presented to the city council and referred to the board of public works with the designation of streets and portions of streets to be improved. The board of public works shall, within ten days, report their conclusions, when the council shall pass upon the same, provided, that the conclusions and recommendations of the board of public works shall be final, unless changed, altered or rejected by a majority vote of all the aldermen. No contract shall be made or entered into until plans and specifications shall have been adopted and an advertisement inviting sealed proposals shall have been published in at least four issues of some daily paper published in the city of Beaumont, stating the amount and kind of work to be done and the materials upon which bids are desired. No bids shall be considered unless made in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid for, unless a separate contract shall be made by authority of the council for such work as may be necessary. The sealed proposals shall be addressed to the city secretary, and shall be opened only in the presence of the city council at a regular meeting or at a meeting called for that purpose. Bond and security to be fixed and approved by the city council shall be required of all contractors. When any proposals for work shall have been opened as above provided, they shall be referred to the board of public works, and the city engineer or the special engineer shall be required to make from the proposals an estimate of the cost of the whole work according to the plans and specifications adopted on each proposal for each class of material, which estimate shall be presented to the board of public works for their information, and upon the report of said board of public works being made to the council, action shall be taken on the proposals, and the contract awarded; provided, that the council, in its discretion, may reject any and all bids. If no bids be received, or those received be rejected, then

in that event the work may be proceeded with under the direction of the board of public works, and the city engineer or the special engineer employed by the council, which latter officer shall be charged in all cases with proper supervision of all works of improvement, that the plans and specifications may be properly carried out. Any railroad, street railway or interurban railway company now occupying the streets and alleys and public places or which may hereafter occupy the streets, alleys or public places of the city of Beaumont, shall be liable for the cost of grading, paving, repairing or repaving or otherwise improving the portion of the street or intersections used or occupied by such railway company, and such cost shall be a lien upon the property and franchise of the company, and it shall not be necessary to express such liability and lien in the ordinance granting such franchise to such railway company, but the same shall exist and notice shall be taken of the same without being expressed. The portion of a street occupied by any railroad, street railway or interurban railway company shall be deemed to mean all that portion of the same between the rails of said tracks laid and extending two feet beyond the outer edge of the rails of such road, and including the space between double tracks and between the main track, side tracks and turnouts. Any railroad or street railway or interurban railway company proposing to occupy any street already occupied by any such company, shall, besides being liable for paving along their tracks as above provided, be liable also to pay for paving between the tracks of said two roads to within twenty-four inches of the track of such other road; and such cost shall be a lien upon the property and franchise of the company. Should any railroad or street railway or interurban railway company propose to lay a track on any street which shall have been improved under the provisions of this charter, it shall become liable, according to the portion of the street occupied by such company, as defined above, for such portion of the cost of improve-

ment as the city council may direct, not in excess of what would have been its proportion of the original cost of the improvement had its tracks been on the ground when the improvement was made. Before any railroad, street arilway or interurban railway company shall be permitted to occupy such improved street or portion of street, it shall file with the city secretary, in writing, prepared by the city attorney, an acceptance of the terms on which its occupancy shall be permitted; provided, that such railway companies shall not be liable to pave any streets or make any improvements except such as are reqiured by ordinance of the city of Beaumont; and the city council shall have power to require all railway companies, street railways and interurban railway companies to lay and construct such foundations under their track or tracks as the council may from time to time require.

Sec. 39. Neither the Mayor nor any member of the city council nor any member of the board of public school trustees, nor any other officer of the city of Beaumont shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by assessment levied by ordinance or resolution of the city council; nor shall any such person be the surety of any person having any contract, work or business with said city, for the performance of which security may be required; nor shall he be the surety on any official bond of any officer, as above defined, of the city. Contracts in violation of said provision shall be void. And no member of the board of public school trustees shall be, at any time during his term of office, directly or indirectly, interested or in the employ of any school book publishing or furnishing company or concern or school furniture company or concern or in the contract for the erection or repairing of any school building.

Sec. 40. That the council shall have power and au-

thority to establish one or more market places, within which to conduct the sale of fresh meats, game, fresh fish, poultry, eggs, vegetables, and such country produce and wares and merchandise as is usually sold in markets, and may prohibit the sale of same at any place in said city other than said market and market places so etsablished, and to collect market license and privileges; to rent and lease for such length of time as the city council may determine, not exceeding one year, stalls or stands in said market for the sale of the before mentioned articles, and to regulate and fix the price for prompt collection of rent of the same, and to pay all expenses for collection thereof, and for properly caring for and keeping in repair the market building and for pavement of streets fronting on and adjacent thereto, and for insurance of the same, and their contents, and such care, paving, insurance and generally keeping of said market house shall be paid as far as possible out of the revenues collected out of said market houses; and may issue bonds for the erection and maintenance thereof.

Sec. 41. That the style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Beaumont."

Sec. 42. That every ordinance imposing a penalty, fine, imprisonment or forfeiture for violation of its provisions, shall after the passage thereof, be published in three issues of a daily paper published in said city for three days, and shall not take effect until such publication has been completed. The city secretary shall note on such ordinances as are required to be published the fact that the same have been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of such publication, provided, that the provisions of this Section shall not apply to the revision, codification and confirmation of the ordinances of the city as the council may from time to time adopt.

All other ordinances and resolutions shall take effect

on being approved by the mayor or on the termination of the time allowed for vetoing ordinances without being vetoed, unless another time for taking effect be fixed by the ordinances or resolutions.

Sec. 43. That in case of a tie vote by the council the mayor shall have the casting vote.

Sec. 44. General Powers of the City Council. That the city council shall have the care ,management and control of the city and its property and finances, except as may be herein otherwise specially provided for, and shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and Laws of the State, and to alter, modify or repeal such ordinances.

Sec. 45. The City Council shall have power within the city by ordinance to levy and collect an annual tax not exceeding one dollar and eighty cents ($1.80) for all purposes, including taxes levied for the support of public free schools, on each one hundred ($100.00) Dollars of valuation of all property within the city subject to taxation, and such taxes shall be levied at the first regular meeting of the city council in May of each and every year as follows:

(1) An annual tax of not exceeding seventy cents on each one hundred dollars ($100.00) valuation of all property within the city made taxable by law for State and county purposes, the money raised under this subdivision to be used for current expenses and for the general improvement of the city or its property, and at least one-third of said sum shall be set apart and devoted to the improvement of the streets and the buildings and repair of bridges within the city.

(2) An annual tax of not exceeding twenty-five cents on each one hundred dollars ($100.00) valuation of all property in the city subject to taxation, for the maintenance of the public free schools and the erection of

school buildings in the city; and the city of Beaumont is hereby constituted a separate and independent school district.

(3) An annual tax of not exceeding fifty-two cents on each one hundred dollars ($100.00) valuation of all property in the city made taxable by law for state and county purposes such sum to be used only in the payment of the interest and to provide the required sinking fund upon all bonds heretofore issued by the city of Beaumont, or that may be hereafter issued for the purposes of permanent public improvements of any kind, and said city is hereby authorized to issue in compliance with the Constitution and Laws of the State of Texas and amendments thereof, bonds for said purpose to bear a rate of interest not to exceed six per cent per annum, and to be sold at not less than par. The city treasurer shall keep the interest and sinking fund separately and shall honor no draft on said sinking fund except to redeem such bonds or to purchase interest bearing bonds of the United States, the State of Texas, any county bonds or bonds of the City of Beaumont.

(4) An annual tax not exceeding thirty-three cents or any portion thereof on each one hundred dollars ($100.00) valuation for the purpose of purchasing, construction, maintaining, operating and owning a water works system, or electric light system or gas system, or public parks either inside or outside the city limits, to be owned and controlled by the city of Beaumont, and the sum so raised either from taxation or the sale of bonds issued under this subdivision, shall never be used or applied to any other purpose; provided, the city council shall not levy said tax of thirty-three cents or any portion thereof, mentioned in this subdivision, until the city by proper ordinance, duly passed, first determines to purchase or construct, operate and own a water works system, or electric light system, or gas system, or public parks, inside or outside the city of Beaumont, or has by

such ordinance determined to build and operate a water works system, or electric light system, or gas system in said city; provided, that three cents of this amount shall never be levied or used except for park purposes.

(5) The city of Beaumont may also levy, assess and collect from each male citizen, subject to such by the State Law, of the city over the age of twenty-one years and under the age of sixty years, an annual poll tax not to exceed one dollar.

(6) The taxes provided for in this Section shall be construed to be in addition to taxes levied and collected for permanent public improvements under the ad valorem district taxing system hereinafter provided for.

Sec. 46. That all such bonds shall specify for what purpose they were issued. Provisions shall be made to pay the interest, and a sinking fund of not less than two per cent annually of the principal to redeem the bonds.

Sec. 47. That neither the money for which such bonds may be sold, nor the money raised to pay the interest and sinking fund thereof shall be diverted to any other purpose, and the city treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on said bonds, or to redeem the same, except as herein provided.

Sec. 48. Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as one thousand dollars ($1,000.00), the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series and the holders be unwilling to surrender the same, the said fund shall be invested in other valid interest bearing bonds of the United States, or of the State of Texas, or of any county in the State of Texas, or of the City of Beaumont, as the council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund

from which the money was taken and shall not be sold or otherwise used except for the purpose of retiring the original bonds for which use the fund was created.

Sec. 49. The city council shall have authority to fund or refund any part of its existing valid bonded indebtedness when the same becomes due at the same or a lower rate of interest, and for the purpose of exercising the option reserved to pay the same before final maturity may issue new bonds bearing a lower rate of interest and exchange the same for existing bonds or sell the same as the council may determine, and may fund or refund all or any part of its general or script indebtedness and may issue bonds therefor running for any number of years the council may provide, not exceeding forty years, and bearing not exceeding six per cent interest.

Sec. 50. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property for taxation, and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the manner and form of assessment rolls and to fix duties and define the powers of the assessor and collector and adopt such measures as the council may deem advisable to assure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon; and may, by ordinance, provide that any person, firm or agent in control having property subject to taxation or being liable for any tax under the provisions of this Charter and neglecting, failing or refusing to render a list, inventory and appraisement thereof, or failing or refusing to make oath thereto, as required by the ordinances of this city, shall be liable to a fine as may be prescribed.

Sec. 51. There shall be a board of equalization, composed of three resident free-holders of the city of Beau-

mont, who shall be appointed by the mayor and confirmed by the city council after each election in the said city, each of whom shall take the oath of office prescribed by the Constitution of the State of Texas, who shall hold their office for the term of two years from their appointment and qualification. They shall receive such compensation as may be allowed by the city council. Said board shall have power and it shall be the duty of said board to equalize the taxable values of property, real and personal, within the city of Beaumont, and in the exercise of this power, it may raise or lower the valuations at which property may be assessed and rendered for taxes. And it shall further be the duty of said board, if it shall have reason to believe from information gained by its members, from the assessor of taxes or from other sources, that any person residing within the city has failed or refused to render for taxation any personal property owned by him and subject to taxation under the laws of the State of Texas, or has refused to give information concerning such property so that the same may be assessed by the assessor of taxes, to have such person brought before it and interrogated under oath as to such property.

And the said board shall have full power to enforce the attendance of all witnesses necessary, and any member thereof shall have the power to administer oaths to such witnesses, and to punish them for failure or refusal to answer any question pertinent to the enquiry. And if the said board should discover any property not rendered for taxation to the assessor of taxes, it shall have the power, and it shall be its duty to direct the assessor of taxes to list the same for taxation, in like manner and with like effect as if it had been originally rendered for taxation by the owner thereof. After said board shall have passed upon and equalized the values of property assessed by the assessor originally, and upon suggestion of the board, the board shall give notice that it has made

changes in the valuation at which property has been assessed for taxes, and caused additional property to be assessed and valued for taxation, by publication in a daily newspaper published in the city of Beaumont for three successive days, or by mailing the party a written notice thereof. Provided, that a notice shall always be mailed to a property owner residing out of Jefferson County. Said notice shall be sufficient if it states that the board has held a session and made changes in the assessments and valuations of property affecting the person whose name shall be given without describing the property affected, or stating the nature of the changes made, but referring the persons whose names shall be given to the office of the assessor and collector of taxes for details as to the changes, a record of which shall be left by said board or deposited with said assessor subject to inspection by the public. The notice shall also state that a further session of the board will be held at a place and to begin at a time named in the notice, and continue for a certain number of days or longer, when complaints as to renditions and valuations will be heard, and that such corrections will be made as may be in the opinion of the board just and proper. Such session shall commence not earlier than one week after such notice shall have been published. Such other notice may be given as the board or city council may prescribe, but the failure to give such other notice shall in no manner affect the validity of the assessment or equalization thereof. And any person who feels himself aggrieved by the action of said board in fixing the values upon his property shall have the right to appeal therefrom to the city council, by giving notice of appeal within ten days after values have been so fixed by said board, and the city council shall have the power to hear and determine such questions of appeal and to take such action with reference thereto as to them may seem proper and just, and its action shall be final. The city council shall by ordinance fix the time of meeting and prescribe the rule to

govern the said board of equalization and the trial of all appeals therefrom.

Sec. 52. The city council shall have full power and authority to provide by ordinance for the seizure and sale by the city assessor and collector of a sufficient amount of the personal property of any delinquent tax payer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ and by virtue of tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner as now provided by law for the sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

Sec. 53. That the city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisements and sales, and for execution of titles to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes at least two years from the date of the collector's deed, to redeem the same by paying the amount as provided by the general law and all acts amendatory thereof; provided further, that any such proceedings so pereptuated shall be received in evidence in any court where the title so conferred by the collector shall be called in question.

Sec. 54. All taxes due the city of Beaumont shall be payable at the office of the city assessor and collector,

and may be paid at any time after the tax rolls of the year have been completed and approved, and no demand shall be required to be made upon any taxpayer whose duty shall be to attend at the collector's office and pay the same as aforesaid. All taxes levied and not collected, and all taxes hereafter to be levied, shall be paid by the 31st day of December of the year succeeding the levy, and when not paid by March 1st, shall thereafter bear interest at the rate of six per cent per annum from March 1st, and in addition the city council may provide by ordinance that there shall be collected an additional ten per centum upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by December 31st, which penalty shall be collected by seizure and sale of the property of the delinquent, or by suit, the same as herein provided for the collection of taxes.

Sec. 55. All property of railroad companies of whatever description, lying and being within the city of Beaumont on the first day of January of each year, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year the same shall be assessed and taxes collected thereon in the same manner as herein provided for other unrendered property of previous years.

Sec. 56. The annual assessment of taxes made by the city of Beaumont upon real and personal property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer, shall be liable to seizure and sale for the payment of all taxes, interest and penalties due by such delinquent.

Sec. 57. If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year that any personal property subject to taxation in the city is about to be removed from the city, and

the owner of such property has not other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs, and sell the same as provided in the preceding sections, and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing, and to vest perfect title in the purchaser.

Sec. 58. All real and personal property in the city of Beaumont upon the first day of January of each year and subject to taxation by said city, shall stand charged with a special lien in favor of the city for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereon, except the lien for State and county taxes, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the city may intervene in any suit for foreclosure of any other lien and assert its rights, or may institute an independent suit and make all mortgage and lien holders and subsequent purchasers parties for the purpose of enforcing its lien or recovering personal judgment for the conversion of the security herein given it for the collection of its taxes, and said city assessor and collector shall be authorized, and it is hereby made the duty of the said assessor and collector to file the proper statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

Sec. 59. The city of Beaumont shall be authorized and is hereby given the right to institute suit in any court having jurisdiction under the Constitution and Laws of the State, at any time after taxes become due and are delinquent, as herein provied, to recover per-

sonal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of such delinquent tax shall be due upon any real property the city shall have the right in the same or in any subsequent suit to have its lien thereon foreclosed and such property sold, as provided by law in the foreclosure and sale of property under mortgage or other lien; provided, that in all cases where lands are sold the owner shall have the right within two years of the date of sale to redeem the land from the purchaser under such judgment upon the payment of the amount of money as provided by the general law and all acts amendatory thereof, including all costs, interest and penalties, and failing so to do, the title of the purchaser shall become absolute without further act or proceedings. The privilege of redemption shall constitute part of the judgment and deed made the purchaser in such case, and need not be inserted therein.

Sec. 60. In all suits for the foreclosure of a lien upon lands or lots by said city, if the defendants or any of them be alleged to reside in any other county of the State of Texas than Jefferson County, it shall be necessary to serve such person with a certified copy of the petition, and service of citation shall be made by delivering a certified copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants, or any of them, are alleged to be non-residents of the State, or if it be alleged that residence of such defendant is unknown, or that the owner or owners of said lands or lots are unknown, and the city assessor and collector shall make oath to that effect at the time of the filing of the petition, or at any time subsequent thereto, the clerk of the court shall thereupon issue notice in substantially the following form:

"The State of Texas: To the owner or owners and all persons claiming any interest in the lands hereinafter

described: You are hereby notified that the City of Beaumont has filed suit in the District Court of Jefferson County, Texas (..... District), on the .....day of .....A. D....., No..... claiming that taxes, interest and penalties are due it by you upon the following described lands situated in said city, as follows, viz: (Here set out description of the land as contained in the petition, and state the aggregate amount claimed against each tract for each year). You are therefore commanded to appear and answer in said court in the City of Beaumont, at the next regular term to be held at the court house of said County, beginning on the ..... day of.....A. D....., and show cause why said judgment shall not be rendered condemning said lands and ordering foreclosure and sale thereof for said taxes, interest, penalties and cost of suit.'' Which said notice shall be dated and signed by the clerk with the seal of the court as other writs, and shall be delivered to the sheriff and executed by causing the same to be published in some newspaper published in the said city of Beaumont once a week for four consecutive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff or his deputy endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication, and shall be signed by him officially.

Sec. 61. The suit shall be held in all respects to be a procedure in rem and the court shall hear proof and enter judgment in favor of the city of Beaumont, against each parcel of land for the amount of tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots

where the owner or owners thereof are alleged to be unknown, it shall not be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit, and judgment entered against each parcel, condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right within two years from the day of sale to redeem his land from the purchaser under such judgment upon the payment of the amount of money, as provided by the general law and all acts amendatory thereof, and failing so to do, the title of the purchaser shall become absolute without further act or proceeding.

Sec. 62. It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of lot, tract or parcel of land therein assessed and in suits to enforce collection of taxes by the city, such additional matters may be inserted in the petition and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree or other instrument describing the same, which may be on file or of record in the General Land Office of Texas, or in the office of the district or county clerk of Jefferson County, and such instrument referred to shall be considered a part of such petition and proceeding had in said suit.

Sec. 63. When any property, personal or real, is sold to enforce the collection of taxes, the City of Beaumont shall not become the purchaser thereof, unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is here made the duty of the mayor or the person acting as such, to attend all sales and bid thereat for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper

evidence of title and to place the purchaser in possession, as provided by law. No officer of the city shall ever become the purchaser of such property for himself at such sale, either directly or indirectly.

Sec. 64. All levies of ad valorem taxes heretofore made by the City of Beaumont and all assessments heretofore made, and all assessment rolls heretofore made and placed in the hands of the city assessor and collector for collection, are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls; provided, that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which said city could levy under the Constitution.

Sec. 65. Whatever action heretofore taken in placing the control of the public free schools and all property pertaining thereto in a board of trustees is hereby confirmed, and all property, real and personal, heretofore acquired and now being administered by said board of trustees in connection with the management of said public free schools, is hereby confirmed in said board, and all levies of taxes heretofore made for the support and maintenance of said public free schools in said city, and which remain uncollected, are hereby validated and declared legal and binding upon the persons and property subject to taxation in said city, and the city council shall continue to levy and collect the rate of special taxation adopted, or which may be adopted, by a vote of the people for said purpose and deliver the same to the said board of trustees in accordance with the general laws of the State upon the subject.

Sec. 66. If the city assessor and collector shall discover any property, real or personal, which was subject

to taxation for any year heretofore, and which for any reason has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as the other assessments; provided, that such supplemental roll may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplemental roll shall be due at once upon approval of such rolls by the city council, and if not paid within sixty days thereafter, shall bear interest at the rate of six per cent per annum, and may be collected by seizure and sale or suit, as herein provided for the collection of other taxes.

Sec. 67. The city assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If the owners of such property are unknown to the assessor he shall so state, and such assessment shall be sufficient warrant for the collection of the taxes due upon said property by seizure and sale or suit, as herein provided for the collection of taxes on other property.

Sec. 68. All taxes due said city for which action is not instituted within four years from the time they are due and payable, shall be conclusively presumed to have been paid, and no action therefor shall be maintained. No irregularity in the time or manner of making the annual levy of taxes heretofore levied by the city council of said city, and which are unpaid, shall invalidate the taxes, but they are hereby continued in force and may be collected by seizure and sale of property of the person owning the same, or by suit, as herein provided.

Sec. 69. In all suits for the collection of taxes which have been heretofore or may be hereafter levied, the tax rolls of said city or a certified statement made therefrom by the assessor and collector shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by the defendants) of the following facts, viz:

(1) That the person, firm or corporation therein shown to be a tax payer was such, and owned the property therein listed, and was rendered by such person, firm or corporation, or by his or its agent at the value placed thereon in such roll.

(2) That the taxes due on such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

(3) That all facts and proceedings required by law or by the ordinances of said city in the manner of rendering, appraising and fixing values upon such property, and the giving of all notices to such tax payers have each and all been performed and complied with at the time, and in the manner and form required, and that all things which might be construed as conditions precedent to the lawul demands upon such tax payer to pay the amount of taxes in such rolls shown to be due by him or them, have been performed at the time and in the manner required by law. Provided, that in the event that the defendant shall show that his property was voluntarily rendered by him and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall show that the rate of taxation for any such purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him and the amount of taxes which is found to be legal, and all costs of suit including city attorney's fees to be fixed by ordinance.

Sec. 70. All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the city of Beaumont on the first day of January of each year, and all personal property owned or controlled by persons residing therein and taxable by law at the place where the owner or agent may reside, shall be subject to taxation by said city for all purposes provided in this charter, including the support of the public free schools in said city.

Sec. 71. The city council shall have power to levy and collect an occupation tax on all occupations, callings, business and professions taxed by the State of Texas from time to time, to the amount of one-half of the occupation tax levied by the State, and shall have power by ordinance to provide adequate means and penalties for enforcing collection of the same.

Sec. 72. That the city council shall have power to provide by ordinance for the assessing and levying of the tax aforesaid and to determine when taxes shall be paid.

Sec. 73. That no money shall be paid by the city upon any account whatever to any person, firm or corporation who is in arrears to the city for taxes due, and the city council shall have the power to compromise all claims for back taxes.

Sec. 74. Before the city of Beaumont shall be liable for damages of any kind, the person injured, or some one in behalf of such person, shall give the mayor notice in writing of such injury within sixty days after the same has been received, stating in such notice when, where and how the injury occurred, and the extent thereof.

Sec. 75. The city council shall have power to employ and fix the compensation of its agents as it may deem for the best interest of the city. The city council may

abolish any place created by it, and discharge any person employed by it at any time that it may deem that the best interest of the city requires such action; and the city shall not be liable for the salary of such person after the place to which he has been appointed or elected by its city council has been abolished, or he has been discharged by the city council.

Sec. 76. That the city council shall have power by ordinance to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, to co-operate with the commissioners court of Jefferson County in making such improvements connected with the city and county as may be deemed by the city council and commissioners court necessary to improve the public health and promote efficient sanitary regulations, and by mutual agreement they may provide for the construction of such improvement, and the payment therefor. To provide for the erection of all needful buildings for the use of the city within and without its limits, and to determine when it is necessary to acquire property, or the use thereof, by the power of eminent domain, for all purposes for which the city may lawfully exercise such power. To license or regulate auctioneers, grocers, merchants, retailers, hotels and boarding houses and bakeries, and to license or regulate or suppress ordinaries, hawkers, peddlers, brokers and money changers. To license and regulate theatrical and other exhibitions, shows and amusements. To license and regulate billiard tables, bowling alleys, restaurants, drinking houses and saloons, and all places or establishments where intoxicating or fermented liquors are sold, and to regulate their location and to restrain and suppress street beggars, disorderly houses, lotteries and all fraudulent devices and practices. To regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards with the power to remove and keep away

from the vicinity of any fire any suspicious person lurking near the same, and to compel any person or persons present to aid in the extinguishing of the fire, or in the preservation of property exposed to the same and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinances. To compel the owners of houses and other buildings to have scuttles upon the roof of any such building or house, and stairs and ladders leading to same. To create a board of fire commissioners. To regulate and prescribe the manner of building partition and parapet walls and of partition fences. To provide for the inspection of lumber, the measurement thereof, and other building materials. To provide for the inspection and weight of hay, the measure of charcoal and other fuel to be used in the city. To provide for the taking of an enumeration of the inhabitants of the city. To provide for the removal from office of any person holding an office created by this charter, or by ordinance, when not otherwise provided for. To fix the compensation and regulate the fees of all jurors and witnesses; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; provided, that no penalty shall exced a fine of two hundred dollars. To prevent and restrain any riot, disturbance or disorderly assembly in any street, house or place in the city. To use, regulate, improve, grade and control all grounds owned by the city within its limits. To regulate the size, number and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exits in case of fire. To provide for the numbering of all buildings, and the naming or changing of the name of any street. To authorize one or more officers, agents or employes of the city to enter into, and

open all buildings and premises for the purpose of examining and discovering whether or not the same are dangerous on account of fire or in an unclean state, and to cause the defect to be remedied, and filth and trash to be removed; and genrally the council shall have the power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons making such exhibitions. To require the owners of private drains, sinks and privies to fill up, clean, drain, relay, alter, repair, fix and improve the same as they may be ordered by resolution or ordinances, so as to prevent the same being or becoming nuisances and to impose penalties on persons not doing the same; and if there be no person in the city upon whom such order can be served, the city can have the work done and the cost of same shall be a lien on the property, taxed up against and collected in such manner as the city council may direct. The mayor shall have power to solemnize marriages and to administer oaths of office.

Sec. 77. Street and Sidewalk Improvements: The term "street improvements" as embraced in this section, shall include the improvements of any street, avenue, alley, highway, public place or square, or any portion thereof, with in the city, by filling, grading, raising, macadamizing, re-macadamizing, paving, re-paving, repairing or otherwise improving the same, or by construction of sidewalks, curbs and gutters, or repairing the same; and shall also include the laying out, opening, narrowing, straightening, or otherwise establishing, defining and locating any street, avenue, public alley, square, place or sidewalk, and said term shall also include any other street improvement of a public nature and for a public benefit.

(a) The term "public highway" wherever used hereafter in this Section shall be deemed to include any

street, avenue, alley, highway or public place or square, or any portion thereof, within the City of Beaumont, dedicated to public use.

(b) The city council shall have the power to order the improvements of any public highway or highways, or parts thereof, within the city of Beaumont, and shall have the power to prescribe the nature and extent of such improvements.

(c) The city council shall have the power to cause sidewalks, curbs and gutters to be constructed, reconstructed or repaired, under and by virtue of the terms of this Section, and the various subdivisions thereof, either separately or together with other improvements; provided, that the cost of construction, reconstruction or repairing sidewalks shall be borne entirely by the owners of property abutting upon such sidewalks; provided, that the right of the city council to order the construction, reconstruction or repair of such sidewalks, curbs or gutters, under the terms of this Section and the various subdivisions thereof, shall be in addition to the powers in this charter conferred upon the city council to order such improvements.

(d) Subject to the terms thereof, the cost of improving any public highway may be paid partly by the city and partly by the owners of property benefited by such improvements and abutting upon the public highway, or portion thereof, ordered to be improved, provided, that when any person, firm or corporation owns any railroad, street railroad or interurban railroad or railroad switch of any kind on such public highway, or portion thereof, ordered to be improved, such person, firm or corporation shall pay the whole cost of such improvement between the rails and tracks and for two feet on each side of the rails of such railroad, street railroad or interurban railroad and the city shall be relieved of the part of the costs to be paid by such road. The pro rata share of the cost

of such improvement payable under the terms hereof by any railroad, street railroad or interurban railroad or the owners thereof, together with all costs of collecting the same, shall be a special tax against, and lien upon the roadbed, ties, rails, fixtures, rights and franchises of such railroad, street railroad or interurban railroad and the owners thereof. Whenever a contract shall be let for any such improvement, the city council shall levy a special tax upon the roadbed, ties, rails, fixtures, rights and franchises of such railroad, street railroad or interurban railroad for the pro rata share due from such road for improvements between their tracks and rails and two feet on each side thereof. Said tax shall be levied at or after the time such contract is let or executed, and shall become due and delinquent as the ordinance levying the same may specify, shall be a lien from the time of levy and the proceeds thereof shall be used for the payment of the costs of such improvement. If said tax be not paid as provided for by ordinance, then collection shall be enforced, as the collection of other taxes, by advertisement and sale of the property, rights and franchises levied upon provided, it shall not be necessary to sell at the same time as for delinquent ad valorem taxes. At any such sale the city tax collector or such other officer as may be designated by the city council, shall execute to the purchaser a deed similar to the one excuted when property is sold for ad valorem taxes. Such assessment and lien may also be enforced by suit brought in any court having jurisdiction thereof. The lien provided for shall be a first and prior lien paramount to all encumbrances except taxes, upon the roadbed, ties, rails, fixtures, rights and franchises of the person, firm, company or corporation owning the railroad, street railroad or interurban railroad, as aforesaid.

(e) The city council shall have power, by resolution, to order the making of the public improvements mentioned in this Section or any of them, by majority vote,

and the passage of such resolution shall be conclusive of the public necessity therefor and the benefits thereof, and no notice of such action by the city council shall be requisite to its validity. Such resolution shall, in general terms, set forth the nature and extent of the improvement or improvements to be made, the section or sections of any public highway or highways to be improved, the material or materials with which the improvements are to be constructed, and the method or methods under which the costs of such improvements are to be paid. Such resolutions may specify that said improvements may, at the election of the city council, be constructed from different materials, and may specify different or alternative methods of making such improvements, and providing for the payment of the costs thereof.

Upon the passage of such resolution, it shall be the duty of the city engineer to forthwith prepare specifications for said improvement, which specifications shall embrace the different materials or different plans or methods under which the said improvements or part thereof are to be constructed or paid for, and such specifications shall also describe the character of bond or bonds to be required of the successful bidder for the construction of said improvements or the maintenance thereof, as hereinafter provided. When such specifications have been prepared, they shall be submitted to the city council for their approval. The city council shall have the power to require of the contractor or contractors to whom the work may be let, a bond for the faithful performance of the contract, and also for the maintenance of the work in good condition at the cost of the contractor for a term of not more than five years from the completion of such work. The bonds, if any, required by the city council to be executed by the contractor shall be executed by such contractor or contractors to whom the work may be let, together with one corporate surety acceptable to the city

council, which shall be a surety company authorized to do business within the State of Texas.

When specifications have been adopted for such improvements by the city council, it shall be the duty of the city secretary, or such officer as may be designated by the city council, to at once advertise for sealed bids for the construction of such improvements in accordance with the specifications adopted therefor. Such advertisement shall be inserted in a daily newspaper of genral circulation in the city of Beaumont for ten consecutive days and shall state the time within which bids may be received as prescribed by the city council, which shall be not less than ten nor more than fifteen days from the insertion of said advertisement. Bids shall be filed with the city secretary, or such other officer as the city council may designate, and shall be opened and read in public meeting of the city council. The city council shall have the right to accept such bids as it shall deem most advantageous to the city and the owners of the property abutting upon the public highway named to be improved, or may reject any and all bids, provided, if no bid is satisfactory and all bids are rejected, the city may proceed and do such improvements; and where an improvement is ordered upon different specifications, or for the construction of work, or part thereof, with different materials or under different plans or methods of construction or payment for such improvement, the city council shall have full power, after opening bids, to select such methods, plan or materials for making said improvement, or any part thereof, as it may deem best, and to let the work to such bidder and upon such bid as it may select, subject to the terms thereof. No bid shall be amended, revised or changed after being filed.

(f) When bids for such improvements have been accepted by the city council, the city shall enter into contract with the contractor or contractors to whom the work has been let for the performance thereof, which contracts

shall be executed in the name of the city by its mayor and attested by the city secretary, or such other officer as may be designated by the city council, with the corporate seal. The contractor or contractors to whom the said work has been let, shall execute such bond or bonds as may be required by the city council and as herein provided. Such contract and bonds, if satisfactory, shall be approved by the city council.

(g) Exclusive of the cost of making any improvements between and two feet on each side of the tracks and rails of railroads, street railroads and interurban railroads, which cost is to be assessed against and wholly paid by the owners of such railroads, street railroads and interurban railroads, as herein provided, and subject to the terms hereof, the city of Beaumont, acting by its city council, shall have power to assess the whole cost of constructing, reconstructing and repairing any sidewalk, and not to exceed two-thirds of the cost of making any other improvements ordered under the terms hereof, against the owners of property abutting upon the public highway or highways, or part or section thereof, upon which such improvements are to be constructed, and who are specially benefited thereby, and shall have the power to fix a lien against such property to secure the payment of the proportion of such costs assessed against the owners of such property; provided, that in no event shall such cost be assessed against such owners or their property, or their personal liability therefor finally determined, until after the hearing hereinafter mentioned, and after the adjustment of equities betwen such owners; and provided, further, that the cost assessed against any property or owner thereof, shall not exceed the amount of the special benefit in enhanced value, which such property shall receive from such improvement.

The proportion of the costs of such improvements which may be assessed against any such property or its

owners shall be in proportion to the frontage of the property of each owner to the whole frontage of property on the public highway or highways or section thereof so ordered to be improved, and such cost shall be apportioned in accordance with what is commonly known as the frontage, front or foot rule; provided, it shall have been determined upon such hearing above mentioned that the property of any owner is not benefited in enhanced value by said above mentioned improvement, then no assessment shall be made against the property of such an owner; or, if, after such hearing, it shall be determined by the city council that said property has been benefited and enhanced in value in any amount less than the cost of said improvement, then the city council shall assess against said owner or owners, firm, person or corporation and his, its or their property only such amount as shall equal the benefit received by such owner or owners, person, firm or corporation, the balance to be paid by the city.

The city council shall also have the power to provide that the proportion of the said cost which may be assessed against the said owners and their property shall bear interest at a definite rate not to exceed six per cent per annum when the payment thereof is deferred, and shall have the power to include in any assessment which may be made against such owners and their property, all costs of collecting the same.

(h) The contract or contracts for such improvement and the bond or bonds (if any required) having been executed and approved by the city council, if the cost of any part thereof, of such improvement is to be assessed against abutting property, or owners thereof, it shall be the duty of the city engineer to at once prepare a written statement which shall contain the names of such persons, firms, corporations or estates, as may own property abutting upon the section or sections of the public highway or highways named to be improved, the number of front

feet owned by each, and describing the property owned by each, either by lot or block, or otherwise so describing the property as may be sufficient to identify the same; and such statement shall also contain an estimate of the total cost of such improvement, the proportion and amount of such costs to be assessed against abutting property and the owners thereof, the amount per front foot to be assessed against abutting property and its owners, and the total estimated amount to be assessed against each owner. Such statement shall be submitted to the city council, and it shall be the duty of the city council to examine the same and correct any error which may appear therein, but no error, omission or mistake in said statement shall in any manner invalidate any assessment made or lien or claim of personal liability fixed thereunder. When such statement has been examined and approved by the city council, if the city council shall have determined to assess any part of the costs of said improvements against such property owners and their property, it shall so declare by resolution directing notice thereof to be given to the owners aforesaid by publication for five successive days in a newspaper of general circulation in the city of Beaumont, and also by mailing to said owners a copy of said notice by registered letter deposited in the postoffice in Beaumont, Texas, directed to the address of said owner, if known, but if the address of any owner be not known, then the agent or attorney of such owner, if known; provided, that the registered letters aforesaid shall be deposited in said postoffice not less than ten days prior to the date set for the hearing hereinafter provided for; and provided further, that the method herein prescribed for service of notice by registered letter, shall be merely cumulative of the service of notice by publication above mentioned; and provided, that in all cases where personal service by registered letter shall not be obtained, said service by publication shall, nevertheless, be deemed valid and binding. The cetrificate of the city secretary, or such other officer as

may be designated by the city council, to the effect that the address of any such owner or owners, or of their agent or attorney, is unknown to him, and that personal service cannot be had upon them, shall be deemed conclusive. Any such owner may, in writing, waive the issuance of such notice and service thereof, and accept service. The notice aforesaid shall state the time of the hearing hereinafter provided for, the general character of the improvements determined upon by the city council, the public highway, or part thereof, to be improved, and the proportionate part and amount per front foot of the total cost of the proposed improvements which is contemplated shall be assessed against the property and the owners thereof abutting upon such highway to be improved. On the day stated in the notice aforesaid, or any time thereafter before any special assessment is actually levied, any person, or firm, or corporation interested in any property which may be claimed to be subject to assessment for the purpose of paying the cost of any improvement, in whole or in part, shall be entitled to a full hearing before the city council as to all matters affecting said property, or the benefits thereto of such improvements, or any invalidity or irregularity in any of the proceedings with reference to making said improvements, or any other objections thereto. Such person, firm or corporation shall file their objections in writing, and thereafter the city council shall hear and determine the same, and full opportunity shall be given to the person, firm or corporation filing said objections to produce evidence, subpoena witnesses and to appear in person or by attorney, and a full and fair hearing thereof shall be given by the said city council, which hearing may be adjourned from time to time without further notice. The city council shall have full power to inquire into and determine all facts necessary to the adjudication of such objections and the ascertainment of special benefits to such owners by means of such improvements; and shall render such judgment and order in each case as may be just and proper. Any

objections to the regularity of proceedings with reference to the making of such improvements as herein provided, or to the validity of any assessment or adjudication of personal liability against such property or the owners thereof, shall be deemed waived unless presented at the time and in the manner herein specified. The day set for such hearing shall be not less than ten days from the date of the first publication of said notice.

(i) When the hearing above mentioned has been concluded, the city council shall, by ordinance, assess against the several owners of property and against their property abutting upon the public highway or highways, or part thereof, ordered to be improved, such proportionate part of the cost of such improvements as by the city council may have been adjudged against said respective owners and their property. Said ordinance shall fix a lien upon such property and declare the respective owners thereof to be personally liable for the respective amounts to be assessed; and shall state the time and manner of payment of such assessments, provided the time of payment shall not be fixed for a time prior to the completion of said improvement abutting the property of each respective owner; and the city council may order that the said assessments shall be payable in installments, and prescribe the amount, time and manner of payment of such installments, which, however, except as hereinafter provided, shall not exceed five, and the payment shall not be deferred beyond five years from the completion of such improvement, and its acceptance by the city. The said ordinance shall also prescribe the rate of interest to be charged upon the deferred payments; provided, the same shall not exceed six per cent per annum, and may provide for the maturity of all deferred payments and their collection upon default in the payment of any installment of principal or interest.

Each property owner, his heirs, assigns or successors, however, shall have the privilege of discharging the

whole amount assessed against the owner, or any installment thereof, at any time before maturity, upon the payment thereof, with accrued interest. Upon the payment of any property owner, of his assessment in full, the city shall cause to be executed by its mayor and duly acknowledged for record, a release of the lien of such assessment. The fact that more than one parcel or lot of land, the property of one owner or jointly owned by two or more persons, firms or corporations, have been assessed together in one assessment, shall not invalidate the same or the lien thereof, or any claim of personal liability thereunder. The cost of any such improvement assessed against any property or owner thereof, together with all costs, shall constitute a personal claim against such property owner and shall be secured by a lien on such property superior to all other liens, claims or title, except city, county and State taxes, and such personal liability and lien may be enforced by suit in any court of competent jurisdiction, or by sale, in the same manner, as far as applicable, as sales are authorized to be made by the city of Beaumont for the non-payment of ad valorem taxes; provided, that it shall not be necessary to sell at the same time as for delinquent ad valorem taxes; and the city council may, by resolution or ordinance, make such rules and regulations, not inconsistent with law, as may be deemed necessary to provide for the speedy collection of such assessments for improvements. Any error or omission in describing property or designating the names of owners, or any other error or omission, may be corrected at any time by the city council or at the suit of any interested party. In any suit brought under the provisions of this section, it shall be proper to join as defendants two or more property owners who are interested in any single improvement or in any single contract for such improvement; the person or persons, firms or corporations who own property at the date of any ordinance providing for the assessment thereof, shall be

severally and personally liable for their respective portions of said assessment.

(j) At any time within ten days after the hearing herein provided for has been concluded, any person or persons, firm or corporation, firms or corporations, having an interest in any real estate which may be subject to assessment under this act, or otherwise, having any financial interest in such improvement or improvements, or in the manner in which the cost thereof is to be paid, who may desire to contest on any ground the validity of any proceeding that may have been had with reference to the making of such improvements or the validity in whole or in part of any assessment or lien or personal liability fixed by said proceedings, may institute suit for that purpose in any court of competent jurisdiction. Any person or persons, firm or firms, corporation or corporations who shall fail to institute such suit in said period of ten days, or who shall fail to diligently prosecute such suit in good faith to final judgment, shall be forever barred from making any such contest or contests, and this limitation or estoppel shall bind their heirs, successors, administrators and assigns. The city of Beaumont and the person or persons to whom the contract has been awarded shall be made defendants in such suit, and any other proper parties may be joined therein.

There shall be attached to plaintiff's petition an affidavit of the truth of the matters therein alleged, except such matters as are alleged on information and belief, and that said suit is brought in good faith and not to injure or delay the city or the contractor or any owner of real estate abutting on the improvement. Unless the provisions of this section are complied with by plaintiff or plaintiffs, such suit shall be dismissed on motion of any defendant, and in that event plaintiff or plaintiffs shall be barred and estopped to the same extent as if suit had not been brought. In any case where a suit is brought as above provided in this section, then the performance

of the work may be suspended in front of the property involved in said suit, at the election of either the city or the contractors until such suit shall be finally determined in the court of original jurisdiction or any appellate court to which the same may be taken by appeal or writ of error; provided, that any appeal or writ of error shall be perfected within thirty days from the adjournment of the term of court of original jurisdiction at which final judgment was rendered in such suit; and provided, that no appeal or writ of error to review the judgment of said court may thereafter be taken or sued out by either party; and provided, that any such suit shall be entitled to precedence in the courts of this state, both of original and appellate jurisdiction, and shall be heard and determined as promptly as practicable, and to that end either party thereto may move for an early hearing.

(k) When the city council shall have reason to believe that the owner or owners of any property may successively claim the same as exempt from special assessment, said city council may order that the improvements shall not be made in front of or abutting on said property, unless the owner or owners shall first make satisfactory provision for or satisfactorily secure the payment of the amount of the cost which would be assessed against the property except for said exemption. In any case where the cost or part thereof is to be paid by such property owners or assessed against their property and such property or part thereof is exempt from forced sale, and the contractor to whom the work is let is required to look primarily or wholly to such property or owners thereof for the payment of the proportion of the cost of said improvements assessed against them or such property, such contractor shall not be obliged to make said improvements in front of any such property, but may omit the construction in front thereof, provided, the said contractor, if he so desires, may enter into a contract with such owner of said exempt property for the

construction of such improvements in accordance with the plans and specifications adopted by the city council, and said contractor shall be at liberty to make such contract as he sees proper, with regard to the payment of said work, and in case such contractor does make a contract with the owner or owners of such property for the construction of said work thereof, then, such contractor shall be compelled to construct and complete such work in front of said property in accordance with said plans and specifications.

(l) Subject to the provisions hereof, the city council may, when deemed just and proper, order improvements to be made on only one side of a public highway or highways, or section or portion thereof, and may assess the cost, or a portion thereof, against the property owners of property abutting on said sides of said highway or highways, or section or portion thereof.

(m) Whenever any error or mistake shall occur in any proceedings provided for by this Section, it shall be the duty of the city council to correct the same, and whenever it shall have been finally determined in any suit that any assessment against any property or the owner, or lien against such property or claim of personal liability fixed or attempted to be fixed under the terms hereof, is, for any reason invalid, unlawful or non-enforcible, then it shall be the duty of the city council to at once proceed to re-assess against such property and the owners thereof such proportion of the costs of making such improvements as may be proper, lawful and just, and to fix a lien against said property and declare the personal liability of the owner thereof, and the city council shall have power, and it shall be its duty, by ordinance or resolution, to adopt such rules and regulations and to make such orders as shall, in compliance with the law, provide for correcting said mistakes and making a valid re-assessment against said property and fixing a valid lien thereon and a valid personal liability against

the owner thereof; and the city council shall have power, and it shall be its duty to adopt such rules and regulations for a hearing to the owners of said property before said re-assessment, which may be necessary or proper in order to legally bind such owners and their property by said re-assessment; and shall have the power to adopt all other rules and regulations, which may be requisite to a valid re-assessment of such property or fixing a personal liability against the owners thereof.

(n) Subject to the terms hereof, the cost of any such improvement or improvements, after deducting the portion of such costs which may be assessed against any railroad or street railroad or interurban railroad and the portion of such costs which may have been finally assessed against property abutting upon the highway or highways, or portion or section thereof, ordered to be improved, and against the owners of such property, shall be borne and paid by the city.

(o) In addition to the power hereby conferred upon the city council to order the construction of any street improvement or improvements as herein defined, and to assess the cost thereof, in whole or part, against the owners of abutting property; whenever the owners of two-thirds of the front foot of property abutting upon any highway or highways, or sections or part thereof, shall, in writing, petition for the improvement thereof, and shall in said petition agree to pay two-thirds of the cost of such improvements, and of improving intersections of streets and alleys, exclusive of such cost as is payable under the terms hereof by railroads or street railroads or interurban railroads, and shall generally designate the nature of the proposed improvements, the city council must order the construction of said improvements; provided, only that before a resolution ordering the said improvements shall be passed by the city council, it shall be satisfied from the said petition or from such other evidence as may be submitted to it, that exclusive of the

cost of the said improvements to be piad by railroads and street railroads and interurban railroads, at least one-half of the whole cost of said proposed improvement can be secured by valid assessment against property abutting upon the public highway or highways, or section thereof to be improved, and the owners thereof, or will otherwise be satisfactorily secured.

Where improvements are ordered to be made upon such petition as provided in this sub-section, the method of procedure with reference thereto and with reference to assessing the cost thereof against abutting property and the owners thereof, shall, subject to the special provisions of this sub-section (o), be in accordance with the terms and provisions of this Section. Where improvements are to be made upon such petition and as provided in this sub-section, the work shall not actually be begun until two-thirds of the cost of said improvements, exclusive of the part of the cost to be paid by railroads or street railroads and interurban railroads, shall have been assessed against the property abutting upon the public highway or highways, or section thereof, to be improved, and against the owners of such property, in the manner hereinbefore provided in this section; provided, however, that no assessment shall be made, claim of personal liability fixed against any such property or the owner thereof, except after the hearing as hereinbefore provided, nor for a greater amount than the special benefit in enhanced value accruing to such property and its owners; and provided, that whenever, after such assessment the city council shall be of the opinion that an assessment against any property and the lien thereby fixed cannot be enforced on account of the exemption of such property, the city council may direct that such improvement shall not be made in front of same. Where improvements are made under the terms of this sub-section (o), and the cost thereof is assessed against the abutting property or the owners thereof, the proportion of the cost assessed against them and their

property shall be payable to the city of Beaumont in five annual installments, the first of which shall become due one year from the completion of said work, and its acceptance by the city; said installments shall bear interest, as hereinbefore provided, at six per cent per annum, and shall otherwise be subject to the provisions of this section as to similar assessments and the payment thereof. When improvements are to be made under the terms of this sub-section, the city may, out of the permanent street improvement fund hereinafter defined, or out of any other fund which may be available, pay to the contractor the whole cost of such improvement, subject to the terms of the contract or contracts entered into therefor, except such proportion of the cost as may be assessed against railroads, street railroads and interurban railroads as herein provided; but two-thirds of said cost paid by the city and assessed against said property and owners thereof, or secured by them to the city, shall be repaid by such owners to the city in installments and with inteerst as herein set forth; provided, that any property owner may pay the whole amount assessed against him and his property in cash to the city at any time. Such payments shall become a part of, and sacredly preserved in, said street improvement fund, but any part of said fund may be used and invested and reinvested by the city for making other permanent street improvements, provided, that sums so used or reinvested, shall be secured by assessment against other property.

(p) Where public improvements are ordered to be made otherwise than upon such petition and in the manner set forth in sub-section (o) hereof, the cost, or part thereof, may be assessed against abutting property and its owners, as herein provided, and in such cases the city council may provide that for the part of the cost which may be assessed against such property and its owners, the contractor, to whom the work may be let, shall look to such property owners and their property, and that the city shall be relieved of liability for such portion of

the cost. The city council may also authorize assignable certificates against abutting property or property owners, or against persons, firms, or corporations using or occupying the public highways, to be issued to the contractor or to the city, and shall prescribe the form and terms of such certificate. The recital in such certificates that the proceedings with reference to making such improvements have been regularly had in compliance with the terms hereof, and that all prerequisites to the fixing of the lien and claim of personal liability evidenced by such certificates, have been performed, shall be prima facie evidence of the facts so recited, and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had or performed. Such certificates shall be executed by the mayor and attested by the city secretary, or such other officer as may be designated by the city council, with the corporate seal.

(q) The passage by the city council of an ordinance finally assessing against any property, or the owner thereof, the cost, or part thereof, of any improvement, and fixing a lien upon such property, shall operate as notice of such lien to all purchasers thereof, and the lien thereby fixed shall, without further record or proceedings be effective againts such creditors or purchasers.

(r) In order to give additional notice to parties dealing with the owner or owners of the property on or against which assessment is made and lien is created, the mayor of the city of Beaumont shall make out a certificate certifying: (a) The passage of the ordinance creating such lien, giving date of passage and the taking effect thereof. (b) Giving a brief description of the property on or against which the lien is created. (c) The amount of assessment against each piece of property on or against which the lien is created. (d) The amount and time when due of each payment, and the rate of interest the debt bears, and the date from which interest is

to be computed. (e) The name of the owner or owners thereof, if known, and if not known, a certificate shall state that fact. (f) The completion of said improvements and the date thereof.

The said certificate shall be signed and acknowledged by the mayor in the manner and form prescribed by the general laws of the State of Texas for the taking of acknowledgements to deeds conveying real estate. Such certificates when so made, signed and acknowledged, shall be filed with the Clerk of the County Court of Jefferson County, Texas, who shall record the same in the records where he records mortgages and deeds of trust on real property; such certificate so acknowledged and filed for record shall be the same notice as deeds or other instruments properly acknowledged and filed for record under the general laws of the State of Texas, provided that a substantial compliance with the above is all that is necessary to perpetuate the lien and to give notice thereof.

Sec. 78. The term "sidewalk" as embraced in this article shall also include curbs. The city of Beaumont acting by its city council, is hereby empowered to construct, reconstruct, repair or cause to be constructed, reconstructed or repaired sidewalks upon or along any street or avenue or public place, square or alley, or any section or part thereof, within the said city, and to assess the whole cost of the said sidewalk or part of same against the property which shall abut or front thereon and the owners theerof, except the cost of excavation or grading which shall be borne by the city.

(a) The power to construct, reconstruct, or repair said sidewalks, or cause the same to be constructed, reconstructed or repaired as provided in this section, and the procedure and methods herein provided, shall be in addition to such powers as are conferred and such procedure and methods as are set forth in Section 77.

(b) The city council shall have power in their dis-

cretion by ordinance or resolution passed by a majority vote to order the construction, reconstruction or repair of sidewalks as herein provided along or upon any street or avenue, public place, alley or square, or part or section thereof, within the city or in front of any property abutting on the same. No notice of the passage of said ordinance or resolution shall be necessary. Such ordinance or resolution shall, in general terms, describe the sidewalk ordered to be constructed, reconstructed or repaired, the material of which it is to be constructed, reconstructed or repaired, and the street, avenue, alley, square or public place or part or section thereof, along which said sidewalk is to be constructed, reconstructed or repaired.

(c) Upon the passage of the said ordinance or resolution it shall be the duty of the city engineer to forthwith prepare and present to the city council specification for the said sidewalks, or repairs for same, detailing the manner of construction, reconstruction or repair thereof, and the material or materials of which the same is to be constructed, reconstructed or repaired. If satisfactory, the city council shall approve the said specifications and the same shall remain on file in the office of the city engineer.

(d) Upon the approval of said specifications the city engineer shall at once prepare and file with the city council a statement containing the name or names of the owner or owners of property abutting upon the street, avenue, alley, public place or square or part of section thereof, where sidewalks are ordered to be constructed, reconstructed or repaired, and a brief description of the property of each owner, which may be by lot and block, or any other description which shall be sufficient to identify the same, together with an estimate of the cost of the sidewalk or the repair of same in front of the property of each owner, exclusive of the cost of grading and excavating. Upon the filing of said statement, it shall be the duty of the city secretary, or such other officer

as may be designated by the city council, to publish in a daily newspaper, for five consecutive days, of general circulation within the city of Beaumont, a notice to the owner or owners of property in front of which said sidewalk or sidewalks are to be constructed, reconstructed or repaired, which notice shall briefly recite the fact that sidewalks have been ordered to be constructed, reconstructed or repaired by the city council, and state the street, avenue, alley, place or square or section or part thereof, along which the same are orderd to be constructed, reconstructed or repaired, and that plans and specifications for such work have been adopted by the city council and are on file in the office of the city engineer, and notifying the owners of property abutting upon such proposed sidewalk or sidewalks to contsruct, reconstruct or repair same in accordance with said resolution and specifications within thirty days from the publication of the said notice. The city council shall have power to adopt rules and regulations for giving addition notice to the owner or owners of such property in such manner as may be by the city council prescribed, or for personal service or notice upon property owners, but any such notice shall be in addition to, and cumulative of the advertisement above provided for, and service of notice by such advertisement shall be deemed sufficient without further or additional notice.

(e) The owner or owners of property abutting upon the street, avenue, public alley, place or square, or part or section thereof, along which sidewalks are ordered to be constructed, reconstructed or repaired, shall, within thirty days from the publication of such notice, construct, reconstruct or repair the said sidewalks in accordance with such specifications, at his or their own cost and expense, except the cost of excavation and grading, which cost shall be borne by the city.

(f) The failure of any owner or owners of property in front of whose property sidewalks have been ordered

to be constructed, reconstructed or repaired, under the terms hereof, to construct, reconstruct or repair the same as herein provided, within thirty days from the giving of the said notice, is hereby declared to be a public nuisance, and the city, acting by its city council, is hereby authoriezd, by ordinance, to declare the failure to construct, reconstruct or repair such sidewalks an offense against the criminal ordinances of said city, and to declare each day wherein the owner of such property shall neglect to so construct, reconstruct or repair said sidewalks after said thirty days a separate offense, and to impose a penalty for such offense by fine upon conviction in the corporation court not exceeding one hundred ($100.00) dollars.

(g) If the owner or owners of any property in front of which sidewalks are ordered to be constructed, reconstructed or repaired, under the terms hereof, shall not, within thirty days from the publication of said notice, have constructed, reconstructed or repaired said sidewalks, the city council shall have power by ordinance or resolution, and it shall be their duty, to order said construction, reconstruction or repair by the city, and to cause the same to be constructed, reconstructed or repaired either direct by the city or to let the work of construction, reconstruction, or repairing the same by contract under such rules and regulations as may be adopted by the city council, and with or without competitive bidding, at the discretion of the city council; provided, the cost of such sidewalk does not exceed five hundred ($500.00) dollars.

(h) Whenever the city shall have constructed, reconstructed or repaired, or caused to be constructed, reconstructed or repaired, any sidewalk, as herein provided, the city council shall have power to assess the whole cost thereof, except the cost of excavation and grading, which shall be borne by the city, against the property abutting upon the street, avenue, alley, place or square, upon

which said sidewalk shall have been constructed, reconstructed or repaired, and the owner or owners thereof; provided, that no assessment shall be made against any property, or its owner or owners, or personal liability declared unless the said property shall be specially benefited by the construction, reconstruction or repair of said sidewalk, nor for any sum in excess of the special benefit in enhanced value which shall accrue to the said property and its owner from the construction, reconstruction or repair of the said sidewalk. When such sidewalk is ordered to be contsructed, reconstructed or repaired in front of the property of one owner, subject to the terms hereof, the cost of such sidewalk shall be assessed against such property and the owner thereof. Where sidewalks are ordered to be constructed, reconstructed or repaired in front of the property of more than one owner, or in front of more than one lot along any street, avenue, public place, alley or square or part or section thereof, the cost of construction, reconstruction or repairs of the said sidewalk in front of the property of each owner shall be assessed against such owner and his property separately and a separate liability against such owner declared.

(i) No assessment for the cost of such sidewalk shall be made against any property or its owner, until the city council shall have first so declared, by ordinance or resolution, directing notice thereof to be given to the owner or owners of such property. Said notice shall be given by advertising the same in a daily newspaper of general circulation in the city of Beaumont for five consecutive days, and also by mailing to said owner or owners a copy of said notice by registered letter deposited in the postoffice of Beaumont, directed to the address of said owner if known, but if the address of any owner be not known, then to the agent or attorney of such owner, if known; provided, that the letters aforesaid shall be deposited in the postoffice not less than five days prior to

the date set for the hearing hereinafter mentioned; and provided further, that the method herein prescribed for srvice of notice by registered letter shall be merely cumulative of the service of notice by publication above mentioned; and provided, that in all cases where personal service by letter shall not be obtained, the service by publication shall be deemed valid and binding. The notice aforesaid, shall state the time of the hearing hereinafter mentioned, the general character of the sidewalk ordered to be constructed, reconstructed or repaired, the street, avenue, public alley, square or place, or part or section thereof, along which the same has been constructed, reconstructed or repaired, and that the cost of the said work is proposed to be assessed against the owner or owners of property abutting thereon, and the date of the hearing. Said hearing shall not be less than ten days from the date of the first publication of the said notice. On the date stated in the notice aforesaid, or at any time thereafter, before any assessment is actually levied, any person, firm or corporation interested in any property which may be claimed to be subject to assessment for the purpose of paying the cost of the construction, reconstruction or repair of said sidewalk, shall be entitled to a full and fair hearing before the city council, as to all matters affecting said property or the benefits thereto, of such construction, reconstruction or repair of such sidewalk, or as to any personal liability therefor, or as to any irregularity or invalidity in the proceedings with reference to construction, reconstruction or repairing said sidewalks or any other objection thereto. Such objections shall be filed in writing, specifying the nature thereof, and full opportunity shall be given to the person, firm or corporation filing the same to produce evidence, subpoena witnesses, and to appear in person or by attorney, and full and fair hearing thereof shall be given by the city council; which hearing may be adjourned from time to time without further notice. The city council shall have power to inquire into and determine all facts

necessary to the adjudication of such objections and ascertainment of special benefits to the owner by reason of the construction, reconstruction or repair of such sidewalk, and shall render such judgment or order in each case as may be just and proper. Any objection to the regularity of proceedings with reference to the construction, reconstruction or repair of such sidewalk, or to the validity of any assessment, or the determination of personal liability against such property or its owner, shall be deemed waived unless presented at the time and in manner herein specified.

(j) When the hearing above mentioned has been concluded the city council shall, by ordinance, assess against the owner or owners of property, or against their property abutting upon the sidewalks so constructed, reconstructed or repaired, the cost of construction, reconstruction or repairing such sidewalks in front of the property of each owner and adjudge and declare a personal liability against such owner or owners thereof, if it shall have been determined by the city council, upon such hearing, that said owner or owners and their property have been benefited in the enhanced value of said property in an amount at least equal to such cost, but if in any case, it shall have been determined on such hearing that the property of any owner i snot benefited in enhanced value by such construction, reconstruction or repair of such sidewalk, then no assessment shall be made against the property of such owner, or, if after such hearing, it shall be determined by the city council that said property has been beenfited in enhanced value in any amount less than the cost of the construction, reconstruction or repair thereof, then the city council shall assess against said owner and his property only such amount as shall equal the benefit received by such owner and his property. The ordinance making the said assessment shall fix a lien upon the property of each owner or owners and declare the owner or owners thereof to be personally liable for

the respective amounts which may be assessed against them; and shall state the time at which said assessment shall be paid, which shall not be prior to the completion of the improvement abutting the property of each owner. Such assessment shall bear interest from the date of the completion of such work until paid at the rate of six per cent per annum.

(k) The amount assessed under the terms hereof against any property, or owner thereof, shall be secured by a lien upon said property, and shall constitute a personal liability against the owner or owners thereof in favor of the city of Beaumont, and the said liability and lien may be enforced either by suit in any court of competent jurisdiction, or by sale of such property of said owner or owners, in the manner provided by law, and this Charter for the sale of property for other taxes. Said assessment shall include all costs incurred. In all cases where sale of any property shall be made for non-payment of such assessment or assessments in the manner provided for the sale of property for non-payment of other taxes, such sale shall be made by the tax collector of the city of Beaumont, or such other officer as may be designated by the city council, and the deed executed by said tax collector, or other officer as may be designated by the city council, and the recital in the deed of such tax collector or such other officer as may be designated by the city council, that all legal prerequisites of said sale have been complied with shall be prima facie evidence of the truth of the facts so recited, which facts shall, in all courts of law and equity, be presumed to be true without further evidence thereof. The city council may at its discretion, provide, that asisgnable certificates be issued for the amount of such assessment, and shall have power to prescribe the form and terms of said certificates. Said certificates may recite that all legal prerequisites to said assessment and the fixing of a lien upon said property have been complied with, which recital

shall be prima facie evidence of the truth of the facts so recited, and without further proof said facts shall be presumed.

(l) Any person, firm or corporation having any interest in said property upon which said assessments shall have been made, shall have the right to contest the same or the validity thereof or the regularity of any proceeding with reference to the said assessment; or the special benefit received by the owners of any property, by filing suit in any court having jurisdiction thereof, in which suit the city of Beaumont shall be defendant and any other proper person may be made defendant, provided, that such suit shall be brought within ten days from the date of the passage of the ordinance making such assessment upon such property, and if not so brought, then the owner or other person or corporation having an interest in said property shall thereafter be barred and estopped to question the validity thereof; and this bar and estoppel shall apply to the heirs, assigns, successors and personal representatives of such person or corporation.

Sec. 79. In addition to the powers herein conferred by Sections 77, and 78, the city shall have the following powers: Whenever the city council shall deem it necessary to grade, fill, raise, repair, macadamize, re-macadamize, pave, repave or otherwise improve any avenue, street or alley, or portion therof, or to make, repair or improve any gutter or gutters, curb or curbs, sidewalk or sidewalks on any avenue, street or alley or portion thereof, and shall be of the opinion that certain real estate abutting on such proposed improvement or improvements will be specially benefited thereby, and shall deem it just for the owner or owners of such real estate so specially benefited to pay the cost of such proposed improvement or improvements, or a portion of such cost, the city council shall, by ordinance or resolution, so declare; such ordinance or resolution to define the limits within which all real estate will be so specially benefited by

such proposed improvement or improvements. All real estate within such limits, as such limits may be finally established, as hereinafter provided, shall be known as an improvement district, and when so established, shall be designtaed by a certain number.

(a) An improvement district shall include all such real estate, and only such real estate, as in the opinion of the city council will be specially benefited by such proposed improvement or improvements, in proportion to its value, and to an amount at least as great as its pro rata of the cost of such proposed improvement or improvements or so much of such cost as shall be paid solely by the owners of the real estate within such improvement district.

(b) Such ordinance or resolution of the city council, hereinbefore provided for, shall also direct the city tax assessor to report in writing, to the city council the total assessed value of all the real estate within such improvement district, according to the last annual assessment. In case the records of the city tax assessor do not show the assessed value of all the real estate within such improvement district, the city tax assessor shall estimate the actual value of all such real estate within such improvement district, the assessed value of which is not separately shown by his records, and shall include such estimated value in his report hereinbefore provided for.

(c) The reports of the city engineer and the city tax assessor hereinbefore provided for shall be advisory only, their purpose being to furnish the city council with information that will aid the city council in finally determining whether or not such proposed improvement or improvements shall be made, and how and by whom the cost of the same shall be paid, and no errors or omission in such reports, or either of them, shall invalidate any of the proceedings of the city council, or any proceedings

that may be had under the order or authority of the city council.

(d) After receiving and considering the reports from the city engineer and city tax assessor hereinbefore provided for, if the city council is then of the opinion that the proposed improvement or improvements should be made the city council shall direct the city engineer to prepare complete specifications for the same, which specifications shall prescribe the manner in which the work shall be done, and the nature, quality and character of the materials to be used, and shall also contain such other provisions as the city council may deem proper. When such specifications are submitted to the city council by the city engineer, they may be amended by the city council to whatever extent may be deemd proper, subject to the provisions of this section, and may then be adopted by the city council. If a majority in value of the resident real estate owners within any such improvement district shall in writing petition the city council to make any such improvement or improvements according to specifications or of materials designated in such petition, or shall by petition specify how the cost of the same, taxable against the owners of real estate within such improvement district, shall be paid, within the authority and the limitations prescribed by this section, it shall be mandatory on the city council, if such improvement or improvements shall be made at all to comply with such petition, and in the event such improvement or improvements shall be made of the materials and according to the specifications designated in such petition, the city council to have the power to add such details and other provisions to such specifications, not inconsistent with such petition, as the city council may deem proper.

(e) Before the construction of such proposed improvement or improvements shall be finally ordered, and subject to the provisions of this section, the city council shall by resolution or otherwise determine how the cost

of the same shall be paid, whether wholly by the owners of the real estate within such improvement district, or in part by such owners and in part out of the general revenues of the city, or other revenues or resources that may be properly appropriated for that purpose.

(f) After the proceedings hereinbefore provided for the city council shall cause at least ten days' notice to be given to all persons and corporations owning any real estate within such improvement district or any other interest in such real estate and any and all other persons and corporations in any way interested in such improvement or improvements, or in the manner in which the cost of the same is to be paid, which notice shall briefly state the nature of such proposed improvement or improvements, and shall refer to the specifications for further particulars, and shall state the limits of such improvement district, and shall notify all such persons and corporations to file in writing with the city secretary any objections they may have either to the making of such improvement or improvements, or to the manner in which the cost of the same is to be paid, or to the manner in which said improvement district is constituted or any other objections any such persons, firms or corporations may desire to present. Such notice shall state the time when such objections shall be filed, which time shall be after the final publication of such notice, and such notice shall be served by causing the same to be published for at least five days in a daily newspaper of general circulation in the city. A newspaper published on all week days shall be deemed a daily newspaper within the meaning of this section.

(g) At any regular or adjourned meeting of the city council, or any special meeting called for that purpose, after the lapse of time provided for receiving objections, as hereinbefore provided, the city council shall hear and determine all objections that may have been filed, and such hearings may be continued from time to

time until all such objections are fully considered and disposed of. At such hearing or hearings full opportunity shall be given to the parties filing such objections, to present the same to the city council, together with any proper evidence in suppost of such objections that they may desire to offer, and the city council shall thereupon make such orders and directions on such objections as may be just and proper, and any and all objections not so presented shall in any subsequent judicial or other proceeding be considered as waived.

(h) If it shall appear from such objections filed that the owners of a majority in value of real estate within such improvement district are opposed to the making of such improvement or improvements, the cost of which is to be charged in whole or in part against them, in that event the city council shall so declare and shall not order said improvement or improvements made. If a majority in inteerst shall fail to object, in the time and manner hereinbefore specified, the city council shall have the power to order such improvemnt or improvements made, and to provide for the payment of the cost of the same as provided in this section.

(i) If it shall appear upon the hearing of such objections that any real estate within such proposed improvement district will not be specially benefited by such proposed improvement or improvements in proportion to its value, and to an amount at least as great as its pro rata of the cost of such proposed improvement or improvements (or its pro rata of so much of such cost as is to be paid by the owners of the real estate within such improvement district), in either of such events such real estate shall be excluded from such proposed improvement district, and the remaining real estate shall be constituted and established as such improvement district. If no such objections shall be made, or if no such objections that are made shall be sustained, in either of such events,

the real estate within the limits originally proposed shall be constituted and established as such improvement district.

(j) No real estate of any kind within any such improvement district shall be exempt from any of the taxes, assessments and charges authorized by this section.

(k) After hearing and disposing of any and all objections, remonstrances and petitions that may have been filed in accordance with the provisions of this section, and after finally settling the limits of such improvement district, after adopting the specifications of such improvement or improvements, and after determining how the cost of the same shall be paid, the city council shall order an advertisement for sealed bids for the work. Such advertisement shall be published for at least five days in some daily newspaper designated by the city council, having a general circulation in the city of Beaumont, and may also be otherwise and elsewhere published if the city council shall so direct, and such advertisement shall state when and where bids shall be received, and shall contain such other information and direction as may be deemed proper. All bids shall be opened at a regular or special public session of the city council, and in the presence of such bidders or their agents or representatives as desire to attend. The contract for the work shall be awarded by the city council to the bidder whose bid is in their judgment most advantageous to the city and to the property owners who are to contribute to the payment of the cost of the work. The city council shall have the power in its discretion to reject any and all bids, or parts of bids, and shall reject any bid or bids if requested so to do by written petition of a majority in value of the real estate owners within such improvement district; provided, that if all bids be rejected the city council may proceed to make such improvements, and ten days shall be allowed after opening bids for the filing or any such petition or petitions.

(l) At any time within ten days after the contract for the work has been awarded by the city council, any person or persons, corporation or corporations, having any interest in any real estate within such improvement district, or otherwise having any financial interest in such improvement or improvements or in the manner in which the cost of the same is to be paid, and who desire to contest on any ground or grounds whatsoever, the validity of any of the proceedings that may have been had or ordered, or the validity of the lien for the cost or any part of the cost of any such improvement or improvements upon any property that the city council may have declared to be subject to such lien, may intsitute suit for that purpose in any court of competent jurisdiction.

Any person or persons, corporation or corporations, who shall fail to institute such suit within ten days after such contract has been awarded, or who shall fail to diligently prosecute in good faith any such suits to final judgment, shall be forever barred and estopped from making any such contest or contests, and this bar or estoppel shall also bind their heirs, successors, executors and administrators and assigns. The city of Beaumont and the person or persons to whom the contract has been awarded shall be made defendants in any such suit and such parties may also be joined as plaintiffs or defendants as may be proper. The plaintiff or plaintiffs in any such suit shall, when the suit is instituted, also file a bond with at least two good and sufficient sureties, to be approved by the clerk or judge of the court where such suit is filed, payable to the defendants, conditioned that the plaintiffs will diligently and in good faith prosecute such suit to a final judgment, and will abide the judgment, or decree of the court. If, upon final hearing the judgment shall be against the plaintiff or plaintiffs in such suit, he or they, and the sureties on said bond, shall be liable to defendants for all costs and damages that shall have been incurred on account of such suit, and the same may be

recovered either by cross action in the said suit, or by an independent suit, as defendants may elect. There shall be attached to plaintiff's petition in such suit an affidavit to the truth of the matters alleged in the petition, and that such suit is brought in good faith, and not to injure or delay the city or the contractor or any real estate owners within such improvement district. Unless the provisions of this section are complied with by the plaintiff or plaintiffs, such suit shall be dismissed on motion of defendant or defendants, and in that event plaintiff or plaintiffs shall be barred and estopped to the same extent as if such suit had not been filed.

(m) If within ten days after the awarding of the contract, any such suit or suits shall be brought, as provided in this section, the performance of the work shall be suspended in front of the property involved in the suit, at the election of either the city or the contractor, until such suit shall be finally determined in the court of original jurisdiction or any appellate court to which the same may be taken by appeal or writ of error; provided, that any appeal shall be perfected within thirty days after final judgment in the court of original jurisdiction, and no appeal or writ of error to review the judgment of such court shall be thereafter taken or sued out by either party, and any such suit shall be entitled to precedence in the courts of this State,both of original and appellate jurisdiction, and shall be heard and determined as promptly as practicable; and to that end, in case of an appeal, either party may, as soon as practicable, cause a transcript of the record to be filed in the proper court of civil appeals and move for an order setting said cause for an early hearing.

(n) At or before the time the contract for the work is awarded, the city council shall, by ordinance or resolution, make due and proper provision for the payment of the costs thereof. The amount, if any, to be paid by the city at large, shall be duly appropriated for that pur-

pose out of the available funds or resources properly applicable thereto; and the amount to be paid by the owners of real estate within such improvement district, together with all interest that may accure thereon, and the cost of levying, assessing and collecting taxes on such real estate, for the payment thereof, shall be declared a lien upon such real estate, and to be levied, assessed and collected from time to time, according to the assessed value of such real estate, until such amount and all interest thereon shall be fully paid and discharged.

(o) The city of Beaumont shall have the right, at the election of the city council and subject to the provisions of this section and without any vote of qualified voters or taxpayers, except as provided in this section, to issue either street improvement district warrants or street improvement district bonds in payment for so much of the cost of the work as may be chargeable against the owners of real estate wtihin such improvement district, or for the purpose of obtaining money to make such payment, and such warrants or bonds may be issued direct to the contractor in payment for the work, or such warrants or bonds may be sold, and the proceeds paid to the contractor in payment for the work. Whether bonds or warrants are issued in either event, no tax shall be levied for any one year on any real estate within such improvement district for the purpose of paying the same in whole or in part or any interest thereon, or for the purpose of providing for interest and a sinking fund, which, including all other city taxes, shall exceed two per cent of the assessed value of such real estate; but, for the purpose aforesaid, taxes, including all other city taxes, may be annually levied to an amount not exceeding two per cent of such assessed value without any vote of the qualified voters or tax-payers, except as provided in this section. When bonds or warrants are issued direct to the contractor, they shall be issued in such denominations as may be determined by the city council.

(p) Bonds, authorized by this section to be issued, shall be payable, principal and interest, at such time and place, and shall bear such rate of interest as the city council may direct, not to exceed six per cent per annum. They shall state the purpose for which they are issued, and the number of the improvement district on account of which they are issued. They shall not be issued until the amount chargeable against the real estate within such improvement district shall be ascertained, and shall not be issued in excess of such amount. Due provisions shall be made to assess and collect annually upon and from the real etsate within such improvement district, a sufficient amount to pay the interest thereon and create a sinking fund of at least two per cent thereon.

(q) Warrants authorized by this section to be issued may be issued subject to the provisions of this section in such denomination and bearing such rate of interest as the city council may direct, not to exceed six per cent per annum. They may consist of different series, each series to mature annually until they all become due. Such series shall be so arranged that so far as practicable, in the judgment of the city council, the annual charge for interest and principal shall be approximately the same. Such warrants may be divided into as many annual series as the city council may direct. They shall state the purpose for which they are issued, and the number of the improvement district on account of which they are issued. They shall not be issued until the amount chargeable against the real estate within such improvement district shall be ascertained, and shall not be issued in excess of such amount. Due provisions shall be made to assess and collect annually upon and from the real estate within such improvement district a sufficient amount to pay the principal and interest on such warrants as they mature, which amount shall not be less than sufficient to pay the interest and at least two per cent of the total principal of said warrant. Such bonds or warrants shall be in such

form as the city council may direct or approve, subject to the provisions of this section, and shall be signed by the mayor and attested by the city secretary and the seal of the city, and shall be assignable, negotiable and collectible in all respects as other valid obligations of the city.

(r) Any contract for paving or repaving of any avenue, street or alley, or portion thereof, shall provide that the contractor shall at his own cost and expense maintain such pavement in perfect repair for five years from and after the completion and acceptance of the work, and at the same time the contractor shall execute to the city of Beaumont a bond with an approved surety company as surety, in an amount equal to at least twenty per cent of the total contract price, conditioned for the full and faithful performance of such contract, and further conditioned that such work shall be kept up and in perfect repair for five years. Suit may be brought from time to time by the city of Beaumont on such contract and bond for successive breaches of the same, but no person or corporation other than the city of Beaumont, shall have any cause of action against the contractor or the surety or sureties on his bond on account of any alleged breach of contract or bond.

(s) The city council shall have the power to determine any and all questions of fact necessary to the exercise and discharge of its duties and powers, and it shall be presumed that all such questions of fact have been properly determined in such a manner as to support the validity and regularity of any and all proceedings of the city council.

(t) For all tax purposes real estate shall be deemed sufficiently and legally described if the description of the same is sufficient to identify the same with reasonable certainty, and the failure to state the name of the owner, or any error in stating the owner's name, shall not invalidate any assessment or any proceedings in reference to any tax or the collection of the same; and the city council

shall have the power by ordinance or resolution, to make provisions for the brief and certain description of real estate for purposes of taxation.

(u) If in the construction of sidewalks, curbs or other street improvements, any owner of any real estate in any improvement district shall have improved his own property in such manner that his improvements may properly be made a part of the general improvement of the kind in the district, the city engineer shall appraise its value, and such appraisement shall be submitted to the city council for approval or revision, and the value of the same as approved by the city council shall be allowed as a set-off against the assessments against his said property to pay for such improvement or improvements.

(v) It shall be lawful for separate contracts to be made at the same time or at different times, for different kinds of street improvements in any district; that is to say, one contract for paving, another contract for sidewalks or for curbs, or two or more kinds of such improvements may be embraced in one contract. It shall also be lawful to organize street improvement districts for one or more kinds of street improvements, and the boundaries of a district organized for the construction of one or more kinds of street improvements may overlap in whole or part the boundaries of a district or districts organized for the construction of a different kind or kinds of street improvements.

(w) None of the provisions of Section 45 of this Charter providing for the tax rate of the city shall apply to street improvement district bonds or warrants issued under the provisions of this Section (79), and the tax levied to pay the interest and sinking fund on such bonds or warrants shall be in addition to the tax of one dollar and eighty cents on each one hundred dollars valuation as provided in Section 45 hereof.

(x) All laws requiring the registration of city bonds

with the Comptroller of the State, and the approval of such bonds by the Attorney General of the State, and regulating and determining the effect of such registration and approval, shall apply to street improvement district bonds and warrants issued under the provisions of this section.

Sec. 80. The provisions of Section 77 and subsections thereof, a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, and r and also section 79 and sub-sections thereof a, b, c, d, e, f, g, h, i, j, k, and l shall be construed together, and Section 79 and sub-sections thereof from a to x inclusive, shall be construed independent of and not in connection with the first two sections and the sub-sections thereof, above mentioned in this Section. That is to say, if it should be held in a court of final jurisdiction that sections 77 and 78 and their sub-sections should in any manner be in conflict with section 78 and its sub-sections, then, if the said court should further hold that the latter section being in conflict with the first two, one or the other would have to be stricken out of the charter as being in conflict with the other section. And if it should be held by the court that on account of said conflict, the sections would be non-enforcible, then it shall be the duty of the court to strike out Sec. 79 and leave the other two sections in full force and effect. It being the intention of the Legislature to give full power and authority to the city council of Beaumont to improve its streets in accordance with the provisions of sections 77 and 78 and sub-divisions thereof, and to give said city council the additional authority to improve its streets in the manner and form set out in said section 79 and the sub-sections thereof, and that each is an independent mode and manner of such improvements, and that if only one of such methods can be adopted, then the method contained in sections 77 and 78 and their sub-sections shall be the method upheld by the court and retained in the charter, in case of any conflict as above specified.

Sec. 81. The city council shall have the authority, and it is hereby made its duty, to require by ordinance under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from any of its lines to any other line in the city, whether such other line be owned by it or any other company. The city of Beaumont shall in addition to the penalties to be prescribed by ordinance for a failure to give transfers, have the right by mandamus or other remedy to enforce any ordinance requiring the giving of transfers. Fares to be charged by any street railway company in the city of Beaumont may be regulated and fixed by ordinance, and such companies may be required to give reduced fares to children under twelve years of age, and one-half rates to all children within scholastic age, while going to and from school.

Sec. 82. To acquire on behalf and for the use of the city by purchase, gift, devise or condemnation any private property or any interest therein, whether such property be situated within or without the limits of said city, which may be necessary or proper for the establishment and maintenance of an efficient system of sewers, or for the purpose of establishing a waterworks plant, and for other proper corporate purposes; provided, the city shall have the right to acquire on behalf and for use of the city property by purchase, gift, devise or condemnation, either within or outside of the city for the purpose of providing and establishing public parks. Said city is hereby given the right to lay, construct and maintain sewers and water mains in, under, across or along any public street, highway or public grounds within or without the corporate limits of said city.

Sec. 83. If the city council shall fail, refuse or neglect to pass an ordinance for any one year, levying the taxes for that year, the ordinance last passed levying taxes shall be considered in force, and a failure to pass

such ordinance shall in no-wise invalidate the collection of any taxes.

Sec. 84. The city council shall have the right to prescribe by ordinance, in what portions of the city of Beaumont, saloons, grog shops or other places for retailing spirituous, vinous, malt or intoxicating liquors may be conducted, and to provide penalties for violation of such ordinances; provided the city council shall not have the right to prohibit such business in the whole city.

Sec. 85. The city council shall have the right to prescribe by ordinance, in what portions of the city of Beaumont spirituous, vinous, malt or intoxicating liquors may be sold at wholesale, and to provide penalties for violations of such ordinances; provided, the city council shall not have the right to prohibit such business, in the whole city.

Sec. 86. In every action for damages brought against the city of Beaumont for injuries received by any person or persons arising from defective sidewalks the city shall have the right to make the owner of the property abutting on such sidewalk a party to such action, and shall be entitled to recover against such owner in the same action, such damages and costs as may be awarded against the city therein, and this right shall exist irrespective of any effort on the part of the city to have such sidewalk repaired, or such defect removed by the owner of the abutting property.

Sec. 87. It shall be the duty of every person, firm or corporation occupying any part of any street, alley or other public ground in the city of Beaumont with any railroad, tram road or street railway or interurban railway, to lower or raise its track to the grade of such street, or alley so occupied; to drain its tracks, turnouts and switches, and to construct such drains and culverts through and under the same, from curb to curb, and to

keep such tracks and switches, and the street and alley so occupied, in good repair and proper condition for traffic as may be directed from time to time by the city council.

Sec. 88. Whenever the city council shall determine that such work or repairs are necessary and proper, as provided in section 87, the mayor shall cause notice thereof to be served on such person or corporation, by serving any such person or local officer or agent, which notice shall state where the work or repairs are required to be done, and shall concisely describe the nature of the work or repairs so required.

Sec. 89. Should such corporation or person fail or refuse to comply with such notice within twenty days from the service thereof, the mayor shall intsruct the board of public works, or the street and bridge committee of the city council, to have such work done at the expense of the city and on completion thereof the city shall have the right to recover in any court of competent jurisdiction the cost of such work, repairs and materials used therein and thereon, together with six per cent interest from the date such work is completed and all costs of suit.

Sec. 90. It shall be the duty of every person or corporation who may dig up, excavate or in any manner disturb any street or alley, to first obtain a permit to do such work from the city engineer, approved by the mayor, and to restore and replace the same in as good condition for traffic as when so disturbed. Provided, the city council may in its discretion restore and replace such street or alley so dug up, excavated or disturbed, and collect the cost therefor from such person or corporation; provided, further, that the city shall not be liable for any injury to any person or his property by reason of such digging up, excavating or disturbance of the street.

Sec. 91. Should such person or corporation fail or refuse to restore such street or alley, after being notified

so to do, such work may be done at the expense of the city under the direction of the street and bridge committee, and the cost of such work, together with ten per cent penalty and all costs of suit may be recovered by the city against such person or corporation in any court of competent jurisdiction.

Sec. 92. From time to time, whenever deemed necessary by the city council, the city council shall select and appoint an auditor who shall perform such duties, for such length of time and at such salary as the council, by resolution shall determine. The mayor shall nominate such auditor, and the city council shall confirm such nomination. The city council shall, by ordinance or resolution, prescribe the duties of such auditor, and he shall take the oath provided by law. Provided, the city council shall order a complete audit of the books of the city at least once every year.

Sec. 93. The fiscal year of the city of Beaumont shall begin on the first day of April of each year, and end on the thirty-first day of March, but this section shall not be construed as changing or affecting the provisions with reference to the levying, assessing and collecting of taxes.

Sec. 94. That the salary and fees of office of all officers of said city shall be determined by the city council at least one month previous to their election, which salaries and fees when so determined shall not be lowered, but may be raised, during the period for which such officers were elected.

Sec. 95. All provisions herein contained regulating the collecting of taxes, assessments or other claims due the city shall be deemed cumulative and the city may enforce payment of the same in any manner herein provided or in any manner provided by general law. Provided that section 79 shall be construed as an independent

section disconnected from other tax and assessment provisions herein.

Sec. 96. That all lands within the limits of the city which have not been laid off into lots and blocks shall be assessed and taxed by the acre until the same shall have been laid off into lots and blocks, but the taxable valuation placed thereon shall be on the same basis as lots and blocks surrounding the same are taxed, and the owners of such land in laying off or platting the same into lots and blocks shall so plat the same that the streets therein shall correspond or conform as nearly as practicable with previously established streets of the city.

Sec. 97. The city council shall have the power to determine, fix and regulate the charges, fares or rates of any person, firm or corporation, enjoying or that may hereafter enjoy a franchise or exercising any other public privilege in said city, to prescribe the class of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time, to alter or change such rules, regulations and compensation. The city council shall make rules and regulations granting a fair hearing to persons, firms or corporations to be affected by said regulations, and no change in regulations shall be adopted except after notice to the persons, firms or corporations affected, and after a fair hearing shall have been granted them; provided, that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stocks or bonds authorized or issued by a corporation enjoying a franchise shall be considered, unless upon proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done, or property actually received, in accordance with whatever laws existing thereon and consittution of the State whenever applicable thereto; and in order to ascertain all facts necessary

for a proper understanding of what is or should be a reasonable rate or regulation, the city council shall have power to inspect all books of such person, firm or corporation, and compel attendance of witnesses and prescribe penalties for a failure or refusal to attend or testify or produce books, provided that the city council shall not prescribe any rate of compensation which will yield less than (10 per cent) ten per centum per annum net, on the actual cost of the physical properties, equipments and betterments, after deducting all legitimate expenses and depreciations; and provided further, when the city council shall have fixed the rates, charges or compensation, the same shall not be changed within any period of time less than one year.

Sec. 98. The right of the city in and to its water front, ferries, wharf property, land under water, public landings, wharves, docks, streets, avenues, parks, bridges and all other public places are hereby declared to be inalienable, except by a two-thirds vote of all members elected to the council, approved by the mayor, and no franchise or lease or right to use the same, either on, through, across, under or over and no other franchise granted by the city to any private corporation, association or individual shall be granted for a longer period than fifty years, and no such franchise shall ever be granted until it has been read in full at three regular meetings of the council. Such grant, and any contract in pursuance thereof, may provide that, upon the termination of the grant, the plant as well as the property, if any, of the grantee, in the streets, avenues and other public places shall thereupon without further or other compensation to the grantee, or upon the payment of a fair valuation thereof, be and become the property of the city, but the grantee shall be entitled to no payment because of any valuation derived from the franchise. Every grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provisions

by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant and in strict accordance with the orders of the city council. Every grantee of a franchise from the city rendering a service to be paid for wholly or in part by users of such service shall keep books of account, and may be required to make stated annual reports in writing under oath to the city council, which shall contain an accurate statement, in summarized form, and also in detail, of all financial receipts from all sources, and all expenditures for all purposes, together with a full statement of all assets and debts as well as such other information as to the financial condition of such grantee as the city council may require. Such reports shall be public records, and the same or any part thereof may be printed, and the city council may inspect and examine, or cause to be inspected and examined, at all reasonable hours, any books of account of such grantee. Such reports shall be made in accordance with forms and methods prescribed by the city council, which so far as practicable, shall be uniform for all such grantees.

Sec. 99. The mayor shall at the beginning of each fiscal year, submit to the council an annual budget of the current expenses of the city, itemized by departments, and may include such amount for contingent expenses as he may deem necessary; provided, that the city council shall have the power to increase, diminish or omit any item in such budget.

Sec. 100. The city of Beaumont shall have the right to issue bonds for the purpose of constructing or repairing public free school houses, public buildings for the use of the city, paving or repairing of streets and alleys and such other public purposes as the city council may deem expedient or necessary, or as elsewhere herein provided;

such bonds to be issued subject to all constitutional, statutory and charter restrictions.

Sec. 101. The city council shall have the power to create by ordinance the office of boiler inspector, and to invest such officer with power to inspect steam boilers, to prescribe the duties of such officer, define the scope of his authority and powers, and fix the amount and nature of his compensation. And said council shall have the power to fix a fee for inspecting each boiler, which shall be paid by the owner of the boiler so inspected.

Sec. 102. The county attorney of Jefferson County, Texas, may, if he so desires, appear in the corporation court of the city of Beaumont and represent the State of Texas in prosecutions pending therein for violations of the penal code, but in all such cases, the said county attorney shall not be entitled to receive any fee or other compensation whatever for said services, and in no case shall the said county attorney have the power to dismiss any prosecution pending in said court, except for reasons filed with and approved by the city recorder.

Sec. 103. That the city council shall have power, subject to the restrictions herein contained, to adopt all ordinances and resolutions, which may be necessary and proper for carrying into effect the powers specified herein.

Sec. 104. That all ordinances and resolutions of the city of Beaumont, and rules and regulations of the city council and other departments of the city, which shall be in force when this Act takes effect, and which are not in conflict with the same, shall remain in full force and effect until amended, altered or repealed by the city council.

Sec. 105. That all members of the city council and other officers of the city shall continue in office until the first election after this charter takes effect, and their

successors are elected and qualified, as provided for in this charter.

Sec. 106. That no money shall be paid out of the city treasury except by warrant, signed by the mayor and attested by the city secretary.

Sec. 107. (1) Every ordinance passed by the city council shall be enrolled by the secretary or such other officer as may be selected by the city council within the next succeeding five days, Sundays excepted, or as soon thereafter as practicable. It shall then be carefully compared with the ordinance and all amendments, if any, by the city attorney and at least one member of the city council who may be charged with that duty by the city council. If errors exist they shall be corrected. If no errors exist, or if found, then, after their correction, the alderman and city attorney making the comparison shall endorse on the margin thereof the words "correctly enrolled," and give the date thereof, and subscribe his name thereto. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in every issue of the official newspaper for three days successively (excluding Sundays) and proof of such publication by the printer or publisher of such newspaper, made before any officer authorized to administer oaths and filed with the secretary of the city council, or any other competent proof of such publication, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinances; provided, that amendments and corrections made in digesting and revision for publication in book form need not be so published. All ordinances, except as above provided, shall be published at least once in some newspaper in the city of Beaumont, and shall take effect as provided for in this charter. All ordinances of the city, when printed and published and bearing on the title page thereof "Ordained and published

by the city council of the city of Beaumont'' or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

(2) The style of all ordinances shall be: ''Be it Ordained by the City Council of the City of Beaumont,'' but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the city council.

(3) The city council shall have power to cause the ordinances of the city to be printed in code form, and shall have the same rearranged and digested as often as the city council may deem advisable.

(4) In all judicial proceedings, it shall be sufficient to plead any ordinance by caption, or by the number of the sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section. All printed ordinance or codes of ordinances published by authority of the city council shall be admitted in evidence and shall have the same force and effect as would the original ordinance.

(5) All ordinances of a general nature shall be published at least once in some newspaper in the city of Beaumont.

(6) All ordinances, resolutions, rules and regulations now in force in the city of Beaumont, and not in conflict herewith, shall remain in force under this act until altered, amended or repealed by the city council, after this act shall take effect.

(7) All ordinances of the city of Beaumont which may be invalid or defective, but which if passed under the provisions of this act would be valid, are hereby validated as if passed under the provisions of this act.

Sec. 108. Whenever in the opinion of the city coun-

cil, any buildings, fence, shed awning or structure of any kind or part thereof, is liable to fall down and injure persons or property, the city council may order the owner or agent of same, or occupant of the premises, to take down and remove the same within such time as it may direct and may punish by fine all persons failing so to do. The city council shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

Sec. 109. The city council shall have the power to prohibit the working of State convicts within the corporate limits of the city.

Sec. 110. No person shall be eligible to appointment or to be appointed or serve as a policeman, officer of police, or fireman of the city of Beaumont who shall have been convicted of any offense, the punishment for which may be confinement in the State Penitentiary; nor shall any person be appointed who is not shown to be of good character, or who can not read and write the English language or who does not possess ordinary physical strength and courage.

Sec. 111. That the inhabitants of the City of Beaumont are hereby exempted from working on public roads beyond the city limits.

Sec. 112. That the city council may, by ordinance, require all able-bodied male persons between the ages of twenty-one and forty-five years, except those exempted by the general laws of the State, to work upon the streets of the city for not exceeding five days in each year, or to pay to the proper authorities the sum of one dollar

|$1.00) for each day they are so summoned to work, and in case of failure to respond to the summons and so work or pay said sum, on conviction in the recorder's court of the city, be fined in any sum not to exceed ten dollars ($10.00).

Sec. 113. That the ordinances, resolutions and by-laws of the city council may be proved prima facie by a book of printed ordinances of the city appearing to be printed by authority of the city, or by copies of ordinances certified by the city secretary to be true copies of such ordinances, or by the recorder thereof.

Sec. 114. That the City of Beaumont may institute and prosecute suits without giving security for costs, and may appeal from judgments without giving supersedeas or cost bond.

Sec. 115. The board of trustees of the public free schools of the city of Beaumont now acting under appointment heretofore made shall continue in office until their successors are appointed and shall qualify; and the said board of trustees shall continue to manage and control the public free schools of the city of Beaumont in accordance with the general laws applicable to the cities which have acquired exclusive control of the public free schools within their limits.

Sec. 116. Nothing herein contained shall ever be considered to in any manner suspend, modify or abridge any penal laws of this State, but the penal laws of this State shall be in full force and effect, and in no manner repealed or suspended by any provisions of this charter, but the council may enact any ordinance within the limitations herein prescribed not in conflict with the penal laws of this State.

Sec. 117. That the jurisdiction and powers conferred on the city of Beaumont by this Charter shall supersede

the authority of each and all other municipal corporations heretofore existing over any part of the territory included within the boundaries of the city of Beaumont prescribed by this charter.

Sec. 118. The judges selected to hold any election in the city of Beaumont shall be selected and elected by the city council.

Sec. 119. That this charter is declared a public Act and may be read in evidence in all courts of law and equity in this State without proof.

Sec. 120. Whenever any power, authority or right is conferred herein upon the city of Beaumont or upon the city council, and provisions are incorporated herein for the exercise thereof in different ways, each of such provisions, except as herein otherwise provided, shall be held and construed to be cumulative of the other referring to the same subject, and in such cases the city council shall be empowered to use its own discretion with respect to which of such powers it shall exercise.

Sec. 121. In the event any part, article, section or sub-division of this charter be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the charter, but the same shall continue in full force and effect notwithstanding such holding.

Sec. 122. That any official or other bond required or permitted under this charter may be made with any surety company or guaranty company authorized to do business in this State, acting as surety.

Sec. 123. The city of Beaumont is hereby given full power and authority to adopt such measures to improve and preserve the purity of the water in the Neches River and Brake's Bayou as it may deem necessary; provided,

that the power in this section shall not be construed to give said corporation any jurisdiction or control over said river and bayou beyond the corporate limits of said city, except for the purpose of protecting and improving its water supply, i. e., the water supply of both Neches River and Brake's Bayou, and the smaller streams or tributaries; provided, further, that the said corporation shall have the right to condemn land, buildings and out-houses or closets, when it may deem the same necessary for the protection and preservation of the purity of the water in said river and bayou, and smaller streams and tributaries thereof, and shall have powers to control the same. The city of Beaumont shall also have power to require any persons or corporations owning or operating manufacturing enterprises within or without the city, which shall discharge refuse matter into the Neches River or Brake's Bayou, or its tributaries, to make such other provisions for such refuse matter, or so purify the same as that the public health will be fully protected.

Sec. 124. The city council shall have the power to establish and maintain sanitary closets for the service of the public and to obtain, by purchase or condemnation, property for such closets.

Sec. 125. The city of Beaumont shall have power, subject to the terms and provisions hereof, by ordinance, to confer upon any person, firm or corporation, the franchise or right to use the property of the city for the purpose of furnishing to the public any general public service, including heat, light, power, telephone service, refrigeration, steam or the carriage of passengers or freight within said city and its suburbs, over the streets, highways and property of said city, or for any other purpose whereby general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate the streets, highways or other property of the city is necessary or proper.

Sec. 126. Within thirty days after the first day of

May, 1910, and as soon thereafter as practicable, and biennially thereafter, the mayor shall appoint three qualified voters of the city of Beaumont, subject to the confirmation of the city council, who shall, with the mayor, constitute the park board of said city, and who shall serve for a period of two years and until their successors are appointed and qualified. Said park board shall have exclusive jurisdiction over the control, management and maintenance of the public parks of the city of Beaumont, under the direction of the city council; and when the parks are located outside of the city limits, shall have the power to appoint one or more policemen in connection with said parks whose duties and authority shall be prescribed by ordinance.

Sec. 127. No lien of any kind can ever exist against the public school buildings, public halls, parks or public works of the city of Beaumont.

Sec. 128. The city council shall have power to summon and compel the attendance of witnesses whenever they consider it necessary to investigate any matter pertaining to the city or any of its officers, agents or employees, or for any other purpose that they, in their judgment, may deem necessary; and shall have the power to punish for contempt before them with the same fine and penalties as the county judge may punish for contempt before the county court.

Sec. 129. No property of any kind, church, school or otherwise, in the city of Beaumont, shall be exempt from any of the special taxes and assessment authorized by this charter for local improvements.

Sec. 130. All legal process against the city shall be served upon the mayor or acting mayor.

Sec. 131. All questions arising in administering said city government and not provided for in this charter, shall

be governed by the State law in such cases made and provided.

Sec. 132. No office provided for in this charter, not now already existing, shall be held to be created until the same is established by an ordinance of the city council of Beaumont.

Sec. 133. The city council shall have the authority to make provision for the care and maintenance of policemen and firemen who have been disabled while in the active discharge of their duties in the service of the city.

Sec. 134. The city council shall have the power to establish and maintain a reform school for girls and boys under seventeen years of age who may have been barred for cause by the Board of Public School Trustees from attending the regular public schools of the city of Beaumont, or who may be convicted in the Corporation Court for repeated violations of the ordinances of the city, or who may become habitual loafers and idlers around and on the streets of the city. And shall have power to make necessary rules and regulations to govern said reform school by and through its Board of Public Free School Trustees; and to provide for the detention and instruction of juvenile city convicts at said school in lieu of placing them in the city jail.

Sec. 134a. Any proposed ordinance may be submitted to the city council by a petition signed by qualified electors (at least one-fourth of whom shall be property tax payers in the city of Beaumont) of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number thereof. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the state-

ments made therein are true, and that each signature to the paper is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing said petition, the City Secretary shall examine the same and ascertain whether or not said petition is signed by the requiiste number of qualified electors, and at least one-fourth of such signers are resident property tax-payers, and if necessary, the city council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If by the Secretary's certificate the petition is shown to be insufficient, it may be amended within ten days from date of said certificate. The Secretary shall, within ten days after such amendment, if any, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Secretary shall submit the same to the city council without delay. If the petition accompanying the proposed ordinance be signed by the electors (at least one-fourth of whom shall be property tax-payers in the city of Beaumont) equal in number to twenty per cent of the entire votes cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, the city council shall either, (a) pass said ordinance without alteration at the next regular meeting of the city council, or as soon thereafter as is provided for by other provisions in this charter (subject however, to the referendary vote under the provisions of this section). And, if the ordinance shall be passed by the city council but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the city council, then, within five days after determination that said ordinance shall have failed of final adoption, the city council shall proceed to

call a special election, at which the said ordinance without alteration, shall be submitted, to the vote of the people, or be forthwith, after the Secretary shall attach to the petition accompanying such ordinance his certificate of sufficiency, the city council shall proceed to call a special election, at which the said ordinance without alteration shall be submitted to the vote of the people. If the petition be signed by qualified electors equal in number to at leats eight per cent but less than twenty per cent (with the qualification first above set out) of the entire vote cast for all the candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance without alteration shall be submitted by the city council to the vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Secretary's certificate of sufficiency attached to the petition accompanying such ordinance. The ballots used when voting upon such ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If the majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition and adopted by a vote of the people, cannot be repealed or amended except by the vote of the people. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section of the charter, but not more than one special election shall be held in any period of six months from the date of the last election. The city council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon by the qualified electors at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast at such election such ordinance shall be repealed or amended accordingly.

When ever any ordinance is required by this section

to be submitted to the voters of the city at any election, the City Secretary shall cause the ordinance to be printed, and he shall enclose a printed copy thereof, in an envelope with a sample ballot and mail the same to each voter at least ten days prior to the election, but the city council, in lieu of mailing copy of such ordinance and sample ballot, may order said ordinance to be printed in the official newspaper of the city and published, and may order that such publication shall take place of printing and mailing of the ordinance and sample ballot as above provided.

No ordinance passed by the city council, except when otherwise required by general laws of the State of Texas, or by provisions of this charter, except ordinances for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by two-thirds vote of the city council, but no grant of any franchise shall be construed an emergency measure, but all franchises shall go into effect thirty days from the time of its final passage and its approval by the mayor. And if during the said thirty days after an ordinance has been passed by the city council a petition is signed by qualified electors of the city, equal in number to twenty per cent of the entire vote cast for all candidates for mayor at the last preceding general election, at which a mayor was elected and which qualified electors, shall contain the qualifications hereinbefore prescribed, protesting against the passage of said ordinance, shall be presented to the city council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance, and if the same is not entirely repealed by the city council, shall submit the ordinance as provided in this section of this charter, to the vote of the qualified electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative

unless a majority of the qualified electors voting on the same shall be in favor thereof. Said petition shall be in all respects in accordance with the provisions of this section. Provided, however, that this section of this charter shall not apply to any elections held under the provisions of this charter relating to the issuance of bonds for any purpose whatever where the issuance of bonds under this charter, or under the general laws of the State, is required to be submitted to property tax payers.

Provided, further, that in the absence of the petition as hereinbefore described protesting against the passage of any ordinance, the city council may pass under this charter any ordinance the charter authorized it to pass, and

Provided, further, that if for any reason a court of final jurisdiction should determine that there is any conflict between this section 134a and any other section or sections of this charter, and that said conflict is irreconcilable to such an extent that the whole charter would be invalid, then it shall be the duty of such court to strike out this section as being in conflict with and to leave the balance of the charter in full force and effect, and,

Provided, further, that if any court of competent final jurisdiction should determine that this section is violative of any provisions of the constitution and is therefore uninforcible and void, then it shall be the duty of the court to strike out this section and leave the balance of the charter in full force and effect. It being the intention of the Legislature that this section 134a shall be construed independent of and disconnected from every other provision of the charter.

Sec. 135. The Act entitled "An Act to incorporate the city of Beaumont and grant it a charter," contained in the Special Laws of the Twenty-ninth Legislature, which became a law April 25, 1905, and all other acts rela-

tive to the incorporation of the city of Beaumont, and all amendments thereof, so far as the same may conflict with this Act shall be and the same are hereby repealed, but all property actions, rights of actions, claims and demands of every nature and kind whatsoever invested in the city, or existing or asserted against the city, under and by virtue of said laws hereby repealed, shall vest in and remain and inure to the said corporation and to the persons asserting such claims against it, under this Act as fully and completely in all respects as if the said laws had not been repealed.

Sec. 136. Whereas, the lateness of the session renders it improbable that this bill could be regularly reached on the calendar; and whereas, the increased population of the city of Beaumont and the urgent demand for public improvements which are now contemplated and which cannot be accomplished under the present provisions of the city charter of said city, creates an imperative public necessity and emergency, requiring the suspension of the constitutional rule which provides that all bills shall be read on three several days. Said rule is therefore suspended and this may be placed on its third reading and final passage; and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Vote in House—Yeas 99, Nays 0.

Vote in Senate—Yeas 26, Nays 0.

Approved March 24, 1909.

Became a law March 24, 1909.

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ORDINANCES

CHAPTER I.
RULES OF ORDER.

Article 1. Rules of Order.

Rule 1. The order of proceeding in the city council shall be:

1. Roll Call.
2. The reading of the minutes of the last preceding meeting or meetings and correcting of same.
3. Communications from the Mayor.
4. Reports of other officers.
5. Reading of petitions and remonstrances.
6. Reports of standing committees.
7. Reports of special commtitees.
8. Presentation of ordinances and resolutions.
9. Unfinished business.
10. New business.
11. Adjournment.

Rule 2. Each member of the council shall stand and be uncovered while speaking, and the first addressing his Honor, the Mayor, shall be entitled to the floor. He shall not be interrupted while speaking, except by a call to order, or to correct a statement of facts, or to answer questions.

Rule 3. There shall be the following committees, to be known as Standing Committees, to consist of three or more members, the Mayor being Chairman of all committees.

1. A committee on Finance, whose duty it shall be to take cognizance of all subjects relating to the finances of the city.

2. A committee on Streets and Bridges, whose duty it shall be to take cognizance of the alteration or improvement of the streets and the condition, improvement and building of necessary bridges, crossings and sidewalks.

3. A committee on Police, whose duty it shall be to take cogniance of all nuisances, the regulations necessary to prevent or remove same, and to preserve good order and quiet within the limits of the corporation.

4. A committee on public grounds and public build-

ings, whose duty it shall be to take charge of all public grounds and public buildings belonging to the city, and annually report to the council their condition.

5. A committee on records and accounts, whose duty it shall be to examine the records and accounts of the city officials, and see that same are properly kept.

6. A committee on Fire Department, whose duty it shall be to take cognizance of all matters pertaining to the Fire Department of the city, the erection of buildings, etc.

7. A committee on ordinances, whose duty it shall be to examine and report upon all ordinances referred to them.

8. A committee on sewerage, whose duty it shall be to take cognizance of all subjects referred to them relating to sewers.

General Duties of Committees.—And it shall be the duty of each of the above committees, from time to time, to report to the board of Aldermen such matters and things touching the subjects referred to them as their observation shall point out, tending to the prejudice or advancement of the peace, prosperity and good order of the city. In addition to the standing committees above specified there may be appointed such special committees to take charge of particular subjects as may from time to time, be found necessary, the Mayor being chairman of all such committees.

Rule 4. **Appointment of Committees.**—All committees shall be appointed by his Honor, the Mayor, unless the council shall direct otherwise.

Rule 5. **Questions of Order.**—All questions of order shall be decided by the Mayor, subject to an appeal to the Board of Aldermen, a majority of whom may reverse his decision.

Rule 6. **Ayes and Noes.**—Any member may call for the Ayes and Noes, which upon being made, shall be entered upon the Journal.

Rule 7. The previous question may be moved by any member, which motion, if sustained by a majority of the

board, shall preclude all amendments and shall not be debatable.

Rule 8. All motions must be seconded before being put by the chair, and upon request of any member, reduced to writing.

Rule 9. **Motion to Adjourn.**—A motion to adjourn shall always be in order, shall have the precedence of all other matters, and shall not be debatable.

Rule 10. Ordinances may be referred to a committee, whose duty it shall be to examine and report the same, either with or without amendments, or if they disapprove the same, to report the ground of disapprobation, and no ordinance shall be passed until it has been read at three regular meetings unless this rule be suspended by a vote on call of the roll of two-thirds of the aldermen present at the meeting.

Rule 11. **Meetings of the Council.**—A regular meeting of the city council shall be held at the council chamber on the first and third Tuesday of each month, at 10 o'clock A. M., at which meeting all ordinary business of the corporation shall be transacted. When a call meeting of the council is necessary, the city secretary, by order of the Mayor shall give to each alderman at least one hour's written notice, or leave same at his residence or place of business, of the time of the meeting of the board, and of the subjects which will require the attention of the board, and it shall not be in order to transact any other business at such meeting than that specified in the notice, and the salary of the alderman shall be $5.00 each for a regular meeting or adjourned regular meeting, not to exceed one adjourned regular meeting in each month, and $3.00 for each called meeting, not to exceed two called meetings in each month; provided further that any three members may in like manner, call a special meeting of the council, but no such meeting shall be called except in cases of urgent necessity, and said notices served on the aldermen shall state the purposes of the meeting; and provided further, that the council may adjourn from day to day until the business properly coming before it is disposed of.

Rule 12. A majority of the whole number of aldermen elected and qualified, or the Mayor and one-half

of all alderman elected and qualified, shall be required to constitute a quorm. But any three alderman can convene and compel the attendance of members on any day of regular meetings, and may require the Chief of Police or any policeman to arrest and bring in the absent members.

Rule 13. **Suspension of Rules.**—Any rule may be suspended by a vote of two-thirds of the members present in the council.

Rule 14. **Absentees.**—An member failing to attend a meeting of the council without a reasonable excuse, may be fined not exceeding one ($1.00) dollar, unless on a vote of the majority of all the aldermen present, the absent member be excused.

Rule 15. **Disorderly Members.**—Any member guilty of indecorum or disorderly conduct in the council, or who shall refuse to come to order when required to do so, shall be fined not exceeding five ($5.00) dollars at the direction of the Mayor, and should the disorderly member continue, he may on motion, by order of the Mayor, be removed from the council chamber, and in addition be subject to impeachment.

Rule 16. All fines accruing under the above rules shall belong and be appropriated for the benefit of the city.

Rule 17. All resolutions shall be acted upon at the meeting when presented unless on motion they may be laid on the table until the next regular meeting, or be referred to some committee, whose duty it shall be to examine and report the same, either with or without amendments, or if they disapprove the same to report their grounds for disapprobation, and all resolutions shall be in writing and signed by the aldermen offering the same.

Rule 18. **Reports.**—All reports shall be made directly to the city council, who shall act on the same, but the same may on motion be referred to any committee having charge of the matter reported.

Rule 19. **Debates.**—When a question is under debate, the ordinary rules of parliament shall govern the council.

Rule 20. Any alderman of this city who fails to at-

tend any regular meeting of the City Council, unless he have or present an excuse from the City Council or Mayor or an excuse satisfactory to such Council or Mayor shall receive no pay for such Council meeting.

Rule 21. Any alderman of this city who fails to attend any two successive regular meetings of the City Council, without an excuse from, or satisfactory to, the City Council, shall ipso facto vacate his office of alderman, and his said office shall thereby become vacated.

CHAPTER II.

DEFINITIONS.

Article 2. . **Time.**—The words used in this compilation and revision in the past or present tense include a future as well as a past and present.

Gender.—Words used in the Masculine gender include the feminine and neuter.

Number.—The singular includes the plural, and the plural includes the singular number.

Person.—The word "person" includes a corporation, a firm or partnership as well as a natural person.

Writing.—"Writing" or "written" includes printing on paper.

Signature or Subscription.—Includes mark where the person cannot write.

Property.—The word "Property" includes real and personal property.

Real Property.—Includes land, tenements and hereditaments.

Personal Property.—Includes every species of property except real property as above defined.

Year and Month.—The word "Year" means a calendar year and the word "month" means a calendar month.

Bond.—When a bond is required, an undertaking in writing is sufficient.

Money.—The word "money" includes gold and silver coin and bank notes or bills.

The City.—The words "The City" means the body corporate created by the act of incorporation.

The Council.—The words "The Council" mean the Mayor and Aldermen acting as the city council of Beaumont.

The Corporation.—The words "The Corporation" mean the city as above defined.

The Mayor.—The words "The Mayor" include and apply to any alderman acting as Mayor.

CHAPTER III.

OFFICERS AND THEIR ELECTION.

Article 3. **The city council to consist of:** The municipal government of the city of Beaumont shall be vested in a city council, composed of the Mayor and two Aldermen from each ward, all of whom shall be elected biennially, as provided for in Section 4 of the Charter, provided, that should the city be divided into more than six wards, that said board of aldermen shall consist of one alderman selected from the qualified voters of each ward.

Article 4. **Qualification of Mayor and Aldermen.**—No person shall be competent to fill the office of Mayor or Alderman, unless at the date of his election and for two years prior to such election he be a qualified voter and a bona fide resident of and an owner of real estate in the city limits; provided, that should any alderman remove his residence to any other ward during his term of office the same shall become vacant, as provided in Section 4 of the Charter.

Article 5. **Other Officers of the City.**—The other elective officers of the city shall be a Treasurer, Assessor and Collector of Taxes, a City Attorney and a Chief of Police who shall, at the date of their election, be qualified voters of the City of Beaumont.

Article 6. **Appointive Officers.**—Not later than the second regular meeting of the City Council after each election, the Mayor shall nominate in the Council, candidates for City Secretary, Health Officer, Health Inspector, City Recorder, or Judge of the Corporation Court, Street

Commisisoner, City Engineer, Chief of the Fire Department, Fire Marshal, Sanitary Inspector, City Scavenger, City Electrician, Clerk of the Corporation Court, Building Inspector and Gas and Water Meter Inspector, and such other officers of the City as the Council may from time to time create or provide for.

Article 7. **Terms of Office.**—All elective and appointive officers of the city shall hold their office for two years from the date of their respective elections or appointments, and until my successors are elected or appointed and qualified, unless sooner removed by the City Council, and shall perform such duties as may be imposed upon them by law or the Ordinances of the city, or by order or resolution of the City Council, and shall receive such compensation as the City Council may provide, not to exceed the amount of compensation prescribed by the Charter.

CHAPTER IV.

THE MAYOR.

Article 8. **The Mayor Shall Qualify.**—That the Mayor elect shall before taking upon him the duties of his office, take and subscribe the oath of office required by the Constitution of the State, before any officer legally authorized to administer oaths, and shall execute and file with the City Secretary his bond, with two or more sufficient sureties to be approved by the City Council, payable to the City of Beaumont in the sum of three thousand dollars, conditioned for the faithful discharge of all the duties of his office, as Mayor of the City.

Article 9. **Mayor is the Chief Executive Officer, etc.** —The Mayor is the chief executive officer of the city and shall be ex-officio Chief of Police and as such he shall have general supervision and control over all city officers, and may whenever he shall see fit, examine into the condition of their respective offices, the books, papers and records therein, the manner of conducting their official business, and may call upon any officer, clerk or deputy for information in relation to any matter pertaining to his office. It shall be the duty of the Mayor to see that the Peace Officers and Chief of Police shall perform their duty, and that the city ordinances are strictly

enforced, and in event any policeman refuses to suppress any violation of law after his attention has been called to the same by the Mayor, the latter shall immediately suspend such policeman, or finally discharge him, subject to the approval of the city council at their following meeting. The Mayor shall constantly examine into the condition of the streets, bridges, sidewalks and public grounds of the city and perform such other duties as are required of him under the ordinances of this city, and the Charter of the City of Beaumont and laws of the State of Texas.

Article 10. **Mayor May Call in Assistance.**—That the Mayor shall have power to call to his assistance the city police, the militia of the city and citizens, to assist him in preventing or quelling any riot, rout, unlawful assembly or breach of the peace, and all persons so called out by him shall be subject to his orders, while on the duty to which they are called.

Article 11. **May Take Secret Measures to Suppress Crime.**—That the Mayor shall have the power to take such secret measures as he may deem necessary for the detection and apprehension of offenders against law or the ordinances, but no expenditure of money in relation to such service shall be made without the consent of the City Council.

Article 12. **Powers of Mayor.**—That the Mayor shall have all the power granted to him as such under the law and constitution of this state and the Charter of the City of Beaumont and the ordinances of the city and perform the duties therein required of him, and such additional duties as are herein set forth.

CHAPTER V.

THE CITY ATTORNEY.

Article 13. That the City Attorney before entering upon the duties of his office, shall take and subscribe the oath of office required by the Constitution of the State, before any officer authorized to administer oaths, and shall execute and file with the City Secretary a bond with two or more good and sufficient sureties, to be ap-

proved by the City Council, payable to the corporation of the City of Beaumont, in the sum of one thousand ($1,000.00) dollars, conditioned for the faithful discharge of all the duties of his office of city attorney. He shall be elected to the office by the qualified voters of the City of Beaumont, and shall hold his office for the term of two years, or until his successor qualifies.

Article 14. **Duties of City Attorney.**—That the City Attorney shall prosecute all criminal cases arising in the Corporation Court; he shall prepare all complaints therein, and prefer charges against any peace office for dereliction of duty. He shall be the legal adviser of all city officials, and be present either in person or by substitute at all meetings of the City Council, unless otherwise excused by the council. He shall defend all suits instituted against the city, as also any city official being prosecuted in any court for an act committed while in discharge of his official duty, unless it be apparent that such officer transcended his authority and was guilty of official misconduct in such acts to be determined by the City Council. He shall also prosecute to final judgment all suits for the collection of city taxes. He shall represent the City in any and all suits by or against it, and shall perform such other duties as may be required or provided for by the Charter or by the City Council.

CHAPTER VI.

ASSESSOR AND COLLECTOR.

Article 15. **Shall Assess and Collect Taxes Levied, Make Reports, etc.**—That the Assessor and Collector shall assess and collect all licenses and taxes levied and imposed by the City Council and shall do and perform to the Treasurer daily, taking duplicate receipts therefor, one of which he shall retain and the other he shall return to the council (or the proper committee appointed by the council to receive the same) with his report in detail, showing the several amounts received and by whom paid, which report shall be made to the first meeting of the council in each month. He shall be governed by the

rules and regulations hereinafter prescribed in relation to the assessment and collection of licenses and taxes imposed by the City Council, and shall do and perform such other acts and duties concerning the administration of his office as may be prescribed by the City Council, or that may be provided by the Charter of the City of Beaumont. He may appoint one or more deputies, who shall be responsible to him for their acts, who shall have like power and authority as assessor and collector.

Article 16. **His Bond.**—That a bond shall be required of the city assessor and collector in an amount not less than double the amount of funds which may probably be in his hands at any one time, to be determined by the council, conditioned that he will faithfully execute the duties conferred upon him as assessor and collector and pay over all moneys which shall come into his hands as such Assessor and Collector, and render a just and true account thereof to said city council, according to Law.

CHAPTER VII.

CITY TREASURER.

Article 17. The City Treasurer elect, shall, before entering upon the duties of his office, take the required oath, and shall execute and deliver ample and acceptable bond with two or more good and sufficient sureties, made payable to the City of Beaumont in such sum as the City Council may require, from time to time, but not to be less than twenty thousand dollars, conditioned that he will perform all the duties conferred upon him as treasurer, and pay over all moneys which shall come into his hands as such, and render a just and true account thereof to said city according to law. He shall also be treasurer of the school fund, and give such additional bond therefor as the City Council may require, and in conformity with Section 15 of the City Charter.

Article 18. **Shall Securely Keep All Funds; Make Payment, etc.**—That the City Treasurer shall receive and securely keep all funds belonging to the city, and keep the moneys of the city on deposit in some bank in the

City of Beaumont, as may be directed by the City Council, and make all payments of the same upon warrants properly issued, and he shall carefully preserve the vouchers for all payments made by him, and no allowance shall be made the Treasurer for any funds disbursed by him, unless he shall have the receipt or voucher, showing to whom and for what purpose the same was paid out, or satisfactorily account for his failure to produce them; and he shall keep in books, regular accounts of receipts and disbursements, specifying the kind of funds so received and disbursed, and separately, under proper heads, each cause of receipt and disbursement. Said books shall be kept in such manner as clearly show the financial condition of the city, as may be required by the City Council, and shall, at all times, be subject to inspection of the city council, or any member thereof, or any afficer of the City.

Article 19. **Shall Make Reports Monthly, Producing Cancelled Scrip, Vouchers, Coupons, Notes, etc.**—That it shall be the duty of the treasurer to make report under oath to the City Council at the first regular meeting in each month, showing the amount of receipts and disbursements for the next preceding month, and said report shall show from what source the said funds were derived, specifying theamount and kind, whatever specie, currency or city scrip, and for what purpose they, or any part thereof, have been disbursed by him, and all the city scrip so reported shall accompany said report, and shown to and be subject to the action of the City Council, and all coupons, notes, etc., paid by him, shall accompany his report; and in addition to the above, he shall preserve and have published annually an annual report, as provided for in Section 15 of the Charter of the City of Beaumont; and on failure to do so, shall be subject to fine, as provided by said section.

Article 20. **Must Furnish Abstracts, Statements, etc., Must Have Office in City and Remain Therein, etc.**—That the Treasurer shall from time to time furnish the City Council, or any of its committees, such abstracts and statements pertaining to his office and duties as may be

required. He shall have an office in the City, and it shall be his duty in the performance of the requirements thereof to be present at his office from 9 A. M. until 12 o'clock M. on each day (Sunday excepted) and except also when he may, in the performance of any official duty, be necessarily absent, when during official hours, his books shall be open to inspection of any citizen. He shall perform all the duties required of him by the ordinances of this city, or resolutions of the City Council, and the laws and constitution of this State and charter of the city.

Article 21. **Shall be Custodian of the City School Fund.**—The City Treasurer shall be custodian of, and safely keep and pay out according to the directions and regulations of the Board of School Trustees, all of the public money set apart by the State and County and accruing from the collection of the special school tax of this city, for the purpose of maintaining and keeping up the public schools of this city, and for this purpose the said treasurer shall preserve all vouchers, receipts, etc., for money paid out by him as such, and he shall do and perform such other duties as may be required of him by the said Board of School Trustees of this City.

CHAPTER VIII.

POLICE DEPARTMENT.

Article 22. **Of What it Shall Consist.**—The police department shall consist of the Chief of Police, Deputy Chief of Police, Day and Night Police Clerks, day and night driver of patrol wagons, and a suitable number of patrolmen and mounted men.

Article 23. **Chief of Police Shall be Responsible for Conduct of Force.**—The Chief of Police shall be responsible for the general order and discipline of his force. He shall see that the patrolmen are assigned to their respective beats, and that they patrol their beats properly, conform to the police rules and regulations, and carry out such instructions as are given by the Chief of Police. He shall not place any patrolman on duty unless he is cleanly attired and carefully uniformed, and shall make

charges against any patrolman who shall neglect or fail to discover homicide, burglary or serious breach of the peace, or violation of the city ordinances committed on his beat during his hours of duty or who shall neglect to take proper measures to arrest any party guilty of such offenses. He shall see that every member of the police force goes on duty clean and neat in his person, and correctly dressed and that they also do whatever police work the Chief of Police shall detail them to do.

Article 24. **Duties of Day and Night Drivers of Patrol Wagons.**—The duty of the day and night driver of the patrol wagon shall be to drive said patrol wagon, keep the same in order, attend properly to the horses thereof, and be prompt and attentive to their posts of duty.

Article 25. **Appointment.**—Apointments to the police force shall be made by the Mayor in accordance with the City Charter, passed 1909.

Article 26. **Suspension or Discharge.**—Any policeman of the City of Beaumont now or hereafter appointed, may be discharged by the Mayor upon the Mayor filing with the City Council, in writing, his reasons therefor.

Article 27. **Mayor Authorized to Appoint Special Policemen.**—The Mayor is hereby authorized and empowered to appoint any number of special policemen at any time or on any special occasion he may deem advisable, and to discharge the same at will; said appointees to be paid by the City when in discharge of their duty for the City, otherwise to be paid by the party or parties employing them.

Article 28. **Requisite Qualifications.**—No person shall be appointed policeman of this force unless he be a citizen of the United States and has been a resident of this State and city during the term of one year next prior to his application for appointment; who has never been convicted of crime; is of good health and sound body and mind; and of good moral character and habits.

Article 29. **Must Enedeavor to Prevent Crimes, etc.**

—The policeman's exertions must be constantly used for the prevention of crime; he must examine and make himself acquainted with every part of his post, and vigilantly watch every description of person passing his way, and he must, to the utmost of his power, prevent the commission of assaults and all other breaches of the law.

Article 30. **Must Patrol His Post.**—He must constantly patrol his post unless otherwise directed by the Chief of Police, or Deputy Chief of Police.

Article 31. **Must Examine Doors and Windows of Business Houses.**—He shall frequently during the tour of his patrol duty, carefully examine (in night time) all doors and windows of business houses, to see if they are properly secured.

Article 32. **Police to Report New Occupation or business.**—The Chief of Police is hereby required and directed to instruct all patrolmen who have regular beats in the city to make report of any new occupation or business opened up on their beats subject to occupation tax; said reports to be made daily to the Chief of Police, and upon blanks provided for that purpose by the City Secretary. When there are no new places of business opened up, a blank report shall be signed and forwarded on Saturday of each week, with notation thereon, substantially as follows: "No new occupation or business on my beat, so far as I know."

Article 33. **Abstract of Reports to be Sent Weekly to City Secretary.**—The Chief of Police shall abstract the reports of the patrolmen on blanks to be furnished by the City Secretary for that purpose. Said abstracts shall be forwarded to the City Secretary not later than Monday of each week. The abstract shall be made in duplicate, the duplicate to be retained by the Chief of Police and filed in his office.

Article 34. **Shall Watch Persons of Bad or Suspicious Character.**—He shall strictly watch the conduct of all persons of suspected or of known bad character.

Article 35. **Shall Require Persons Accusing An-**

other to Accompany Him to the Station House, etc.—When any person accuses another with the commission of crime, and insists that the person charged shall be taken into custody, the policeman shall require the accuser, if unknown by him, to accompany him as a witness along with the accused to the Station House, and the accuser's name placed on the blotter as such, and he must appear against defendant; the policeman shall then, with as little delay as possible, return to his post.

Article 36. **Shall Not Leave His Post, Except.**—He shall not leave his post unless otherwise directed by the rules and regulations.

Article 37. **Shall be Courteous and Helpful.**—He shall be civil and polite to all strangers; give such information as may be desired politely, but shall not leave his post for that purpose, and if necessary shall assist females, children and aged or decrepit persons across crowded streets.

Article 38. **Must Prevent Obstructions of Sidewalks and Crossings.**—He must prevent all crowds from obstructing the sidewalk, especially at crossings; also keep the sidewalks clear from boxes of merchandise, as provided by the ordinances of this City.

Article 39. **Ill Usage of Prisoners and Aggravating Language Unjustifiable.**—In making arrests he is not justifiable in doing more than is absolutely necessary for the safe custody of the prisoners, until he conveys them to their proper destination. Policemen shall not use such language as would be calculated to provoke or exasperate them.

Article 40. **Baton to be Used Only in Emergencies and in Self Defense.**—He must not use his baton except in urgent cases, and in self defense, nor consider himself interfered with in the performance of his duty unless the interference is actual.

Article 41. **Must Not Leave his Post or Enter House, Exceptions.**—He must not leave his post except in discharge of police duty, nor shall he enter any house ex-

cept in the execution of his duty, or to prevent a breach of the peace.

Article 42. **Cognizance of Public Houses, etc.**—He must pay particular attention to all public houses or drinking places on his beat, reporting those that are noisy or disorderly.

Article 43. **Must Not Become Offended.**—Policemen should not become offended at any harsh or abusive language that may be applied to them.

Article 44. **Duty on Making Arrest.**—Whenever a person is arrested the policeman making such arrest shall immediately convey the prisoner to the Station House either by accompanying him or sending him in the patrol wagon. The policemen shall then search the prisoner and turn over to the clerk of the Station House the prisoner and effects. The clerk must enter same on the blotter.

Article 45. **Prisoner May Give Cash Bail.**—The Chief of Police, or Deputy Chief of Police, is hereby authorized and directed to take from any and all persons arrested by any member of the police force, for violation of any ordinance in the City of Beaumont, and when such person voluntarily offers to deposit the same, a cash bail for appearance before the corporation court of the person arrested.

Article 46. **Amount Shall Not be Less Than $25.00.**—The cash bail herein authorized shall not be less than twenty-five dollars for any one person, and a larger sum not to exceed two hundred dollars as in the discretion of the Chief of Police, or Deputy Chief of Police, may be necessary to enforce the attendance of the person so bailed, before the corporation court.

Article 47. **Chief of Police, or Deputy Chief, to Give Receipt.**—When a cash bail shall be taken as herein provided for, the Chief of Police, or Deputy Chief of Police shall execute and deliver to the person depositing such cash bail, a receipt for the same.

Article 48. **Chief of Police or Deputy Chief to File Complaint.**—In all cases where cash bail has been taken

by the Chief of Police or Deputy Chief of Police, he shall file or cause to be filed against the person bailed, a complaint with the City Attorney not later than 8 A. M. of the morning following the arrest and bail, and the cash bail shall be deposited with the Clerk of the Corporation Court at the time of filing complaint herein provided for, and thereupon the clerk of the Court shall make and deliver to the Chief of Police or Deputy Chief of police a receipt for such bail.

Article 49. **When Complaint is Dismissed, Money to be Refunded.**—In all cases where the complaint is dismissed by the Corporation Court, the Clerk of the Court shall refund the cash bail to the person depositing the same, and take a receipt therefor.

Article 50. **Only Chief of Police or Deputy Allowed to Receive Cash Bail.**—No officer is allowed to take cash bond for a prisoner except the Chief of Police, or the Deputy Chief of Police, and the Deputy Chief of Police is only allowed to take such bond in the absence of the Chief of Police, and whenever bond is taken it must be entered on the record of arrests, and opposite the prisoner's name, the amount deposited.

Article 51. **Duty of Deputy Chief of Police.**—It is the duty of the Deputy Chief of Police to take charge of the night forces, call the roll when the night force will relieve the day force, then again when the day force will relieve the night force. It is also the duty of the Deputy Chief of Police to constantly watch and see that the night policemen do their duty by visiting their beats at least twice during the night.

Article 52. **Members Must Be Prepared to Act at All Times.**—Each member of the police force shall devote his time and attention to the business of the department. Although certain hours are allotted to the respective members of the force for the performance of their duty on ordinary occasions, yet at all times they must be prepared to act immediately, on notice that their services are required.

Article 53. **Punctuality, Obedience, etc.**—Punctual

attention, prompt obedience and conformity to the rules of the department will be rigidly enforced.

Article 54. **Rule of Conduct.**—Each member, in his conduct and deportment, must be quiet, civil, and orderly in the performance of his duty. He must maintain decorum and attention, command of his temper and patience, and must be discreet. He must, at all times refrain from harsh, violent, coarse, profane or insulting language, and when required, act with firmness and sufficient energy to perform his duty.

Article 55. **Must Give Bond.**—The Chief of Police shall before entering upon the discharge of his duties, enter into a bond with the City of Beaumont in the sum of Two Thousand ($2,000.00) Dollars, with two or more good and sufficient sureties, who shall before a notary public or other officer authorized by law to administer oaths, make oath that each is worth and owns property in double the amount of the bond, over and above all debts and exemptions by law; provided, any private corporation authorized to make such bonds and having on deposit with the State of Texas the money required by the laws of the State of Texas, may make said bond, and the said sureties shall be held responsible for all fines imposed upon said officer for any violation of law not done by authority, for non-performance of duty and for violations of any regulation of the police department, and for failure to account for any and all moneys or property coming into his hands for the use and benefit of the City.

Article 56. **Uniforms.**—That the dress of the members of the police force known as patrolmen shall be dark navy blue, trimmed with brass buttons, with gray helmets upon which shall be a wreath and number, and they shall also carry a baton. The mounted police shall wear the same kind of uniforms as provided for patrolmen, and they shall wear a large, light-tan felt hat upon which shall be a wreath and number.

Article 57. **Must Obtain Uniform Within Thirty Days.**—Each member of the Police Force shall be required to furnish himself, at his own expense, with the

prescribed uniform within thirty days after his appointment.

Article 58. **Shall Not Enter Public House, Exception.**—No policeman while on duty, shall be allowed to enter any saloon, or any other place of public resort, nor shall he converse with any person or persons, on the streets, except in the discharge of his duties as policeman. But it shall be his duty to go into any and all places in the city where he has reason to believe that a breach of peace, or a breach of the city ordinances, is about to be committed.

Article 59. **May Arrest Suspicious Persons.**—Policemen shall have the right, and it is hereby made their duty, to arrest and interrogate all persons of suspicious demeanor, character or conduct found on the squares, streets or bridges, or any public place or thoroughfare, or in or upon or about public or private buildings or premises, where they have no right or permission to be, and if such persons do not give satisfactory account of themselves, and the public officer has good reason to believe that such person or persons intend or are about to commit or have committed any violation of the law, or ordinance of the city, it is hereby made the duty of such officers to take such person or persons into custody, or if necessary for their safe keeping, to put them in the city jail, and at the earliest time practicable bring them with all the evidence and proofs applicable to their case, before the Corporation Court for investigation and hearing.

Article 60. **City May Work Prisoners on Rock Pile or Streets, etc.**—That every person who may be convicted in the Corporation Court of the City of Beaumont of the violation of any law of the State of Texas, or ordinance of the City of Beaumont, and who shall be committed to jail in default of the payment of the fine and costs, or either, adjudged against him or her, shall be required to labor in the city work house, on the streets of the City of Beaumont, on the city rock pile, and on any other public works of the City of Beaumont.

Article 61. **Shall be Guarded.**—Convicts shall be

guarded while at work, so as to prevent their escape, and shall not be compelled to labor at any kind of work that will endanger their life or health.

Article 62. **Infirm and Decrepit Convicts.**—A convict, who, from age, disease or other disability, physical or mental, is unable to do manual labor, shall not be required to work, but with any others not furnished with labor by the Chief of Police, shall remain in the City prison until his term of imprisonment is ended, or labor is furnished and fines and costs adjudged against him are discharged at the rate of One Dollar for each day of such confinement or work. And if there be any doubt on the part of the Chief of Police as to such disability, it may be determined by the opinion of a competent physycian or City Health Officer, called to his aid.

Article 63. **Shall Not be Employed in Conflict With Free Labor.**—Such persons so required to labor shall not be allowed to come in conflict with the employed laborers of the City of Beaumont, and when such persons are required to labor on the streets or other public works of the said City of Beaumont, the person who has supervision of them shall first ask the city official having charge of the streets or other public works to designate the place where such person or persons so convicted shall be put to labor; provided, that should such official refuse to designate such place, then the person having the supervision, or the Mayor of the City of Beaumont, shall put them at labor on such street or other public work as he may deem best and proper for the best interest of the public.

Article 64. **Shall be Worked Under Supervision of Chief of Police.**—Such person so convicted is to be worked under the supervision of the Chief of Police of the City of Beaumont, or some person detailed by said Chief of Police or Mayor for that purpose, provided that such person or persons so convicted shall not be required to work more than nine full hours during one day at any of the labor named in this chapter.

Article 65. **Shall Receive a Credit of One Dollar for**

Each Day's work.—Every person convicted, as stated in this chapter shall be entitled to a credit of one dollar on the fine and costs of court adjudged against him or her for each and every day that he or she may be required to labor hereunder, and shall be discharged when he or she has worked a sufficient number of days to pay such fine and costs at the rate of one dollar per day for each day actually worked; said one dollar per day to be applied, first to the payment of the fine, and then to the costs of the court; provided that such person or persons may be discharged at any time upon the payment of the balance due upon such fine, and costs adjudged against him or her, after having recived credit as hereinbefore provided; further provided, that in no case shall the convicted person be required to work, as hereinbefore provided, for a longer time than six months for a failure to pay such fine and costs.

Article 66. **Refractory Convict.**—When a convict required to labor refuses to do so, or is otherwise refractory or insubordinate, he may be punished under the direction of the Mayor or Recorder, by solitary confinement on bread and water, or by additional confinement of such convict, not to exceed ten days for each such act.

Article 67. **Shall Make Daily Remittances.**—The Chief of Police shall make daily remittance to the Treasurer of the City of Beaumont of all fines and costs paid, and the remittance slip to the Treasurer shall give the number of the case, the name of the defendant and the amount remitted to the Treasurer, a duplicate of said remittance slip to be daily reported to the Clerk of the Corporation Court by the Chief of Police.

Article 68. **Chief of Police to Keep Record of All Committments.**—The Chief of Police is hereby required to keep a record in his office of all committments issued to him or any policeman of the City of Beaumont, and all fines and costs collected on said committments shall be entered on said record and any defendant discharged shall be noted therein, with the reasons therefor.

Article 69. **Police Clerks' Duties—Prisoners to be Searched.**—It shall be the duty of the police clerk to have all persons brought before him searched for valuables, and take any weapons and all papers and valuables and lock the same up for safe keeping, giving the prisoner a receipt therefor, and not surrender same unless by order of the corporation court Judge. Said Clerk shall also enter name of the person arrested on the Police blotter, and style of offense which he is charged with; the name of the officer making the arrest and furnish the clerk of the Corporation Court with a copy of the same.

Article 70. **Shall Keep Prisoners Unless They Give Bond.**—Said Police Clerk shall secure from officers who make arrests, persons by them arrested, and cause said persons to be confined in the city jail, to await trial on whatever charge is lodged against them, unless said persons give bond to said corporation court for their appearance as is required by law.

Article 71. **Police Station to be Kept Open at all Times.**—The Police Station shall be kept open for the transaction of business at all times, and the Police Clerk in person or by Deputy, shall be in attendance at the office of the Police Station at all times for the transaction of business.

Article 72. **Fines and Costs to be Paid on Commitment.**—All fines and costs paid to the Chief of Police on any commitment issued out of the Corporation Court shall be by him paid to the City Treasurer upon the return of the commitment, and said commitment shall be returned to the Clerk of the said court by the Chief of Police daily upon the payment of fines and costs, for which said commitment was issued, or upon the discharge of the defendant according to law or the ordinances of the City of Beaumont.

Article 73. **All Arrests to be Brought Before the Corporation Court.**—All persons arrested by members of the police force for offenses punishable under the ordinances of the city, as well as under the laws of the State, of which the Corporation Court and the Court of the

Justices of the Peace have concurrent jurisdiction, shall be brought by such officer before the Corporation Court for trial; nor shall it be legal for any member of the Police force to carry any person so arrested before a Justice of the Peace for trial.

Article 74. **Policemen to File Complaints.—It shall** be the duty of the members of the police force to file in the Corporation Court all complaints against persons arrested by them for the commission of offenses of which the Corporation Court and Justice of the Peace Courts have concurrent jurisdiction.

Article 75. **Penalty.**—Any member of the police force who shall be guilty of violating and of the provisions of this Chapter, shall be punished by suspension from the force, upon proofs of the fact before the Mayor. It shall be the special duty of the Recorder of the Corporation Court, the Chief of Police and every patrolman forthwith to report every such violation to the Mayor and City Council.

Article 76. **May Arrest Without Warrant, When.—** Any person violating any of the provisions of this Revised Code of Ordinances may be arrested without warrant by any peace officer of this city or by any other person, when the offense is committed within his presence or within his view, if the offense is one classed as a felony, or as an offense against the public peace, or against any of the ordinances of this City, or any person may be so arrested without warrant when found in suspicious places or under circumstances which reasonably show that such person has been guilty of some felony or breach of the peace, or threatens or is about to commit some offense against the laws, either of the State or against the ordinances of this City. When it is shown by satisfactory proof to a peace officer upon presentation of a credible person, that a felony has been committed and that the offender is about to escape, so that there is no time in which to procure a warrant, then such person may, without warrant, pursue and arrest the accused.

CHAPTER IX.

CITY SECRETARY.

Article 77. There shall be appointed by the city council at the time and in the manner provided by Section 8 of the Charter of the City of Beaumont, a city secretary, who shall hold his office for the term of two years from the date of his appointment and until his successor is appointed and qualified.

Article 78. **Powers.**—The City Secretary shall have all the power and perform all the duties prescribed by the Charter of the City of Beaumont, and ordinances thereof, and of the laws of the State of Texas, and in addition thereto, shall perform the following services, and comply with the following conditions.

Article 79. **Shall Give Bond.**—That before entering upon the discharge of his duties, he shall give a bond in the sum of One Thousand ($1,000.00) Dollars, conditioned for the faithful performance of his duties, and payable to the City of Beaumont, and shall take the oath of office.

Article 80. **Shall Assist Committees and Officers.**—That it shall be his duty to examine, in conjunction with the proper committee, all financial reports of the different officers of the city, and point out any error or irregularity he may detect in the same.

Article 81. **Shall Examine Books, Records, etc.**—That in conjunction with the proper committee, if requested, he shall examine the official books and records of every officer of the city, who receives or pays out any money of the city, and shall report any fraud, mistake, or illegal charges that he discovers to the committee. And shall attend the meetings of the Board of Equalization of the City.

Article 82. **His Office Shall Preserve Records, Shall Keep Minutes of Meetings.**—That he shall have his office in such place as the city council may direct, and they may, by resolution, prescribe his office hours. He shall

carefully preserve all records, contracts and documents filed with him, and have them so endorsed so that they can be easily found when wanted. When demanded he shall furnish all the information in his possession to any city officer, with regard to any matter of record. He shall carefully and correctly record the proceedings of each meeting of the city council, in the proper record, and shall see that all ordinances are recorded in the minute book and properly indexed, and that the same are published according to law, and that the publisher's charges are in conformity with his contract with the City.

Article 83. **Shall Keep Receipt of Records.** —That when any record goes out of his office, he shall take a receipt for same. It shall be his duty to report to the city council any actual or probable deficiency, or any overplus in any special fund, or the fund for current expenses of the city, so that the same may be provided for; and he shall perform such other duties as the council may, by resolution or ordinance, require of him, and receive such compensation as they may fix by resolution.

CHAPTER X.

STREET COMMISSIONER.

Article 84. **Appointed for Two Years.**—That at the second council meeting after the city elections, there shall be appointed a street commissioner, who shall hold his office in accordance with the terms and provisions of the Charter of the City of Beaumont, subject to removal as in said Charter provided.

Article 85. **Duties.**—The Street Commissioner shall perform such duties as may be required of him by any motion, resolution or ordinance, passed by the city council, and when any work is specified to be done by resolution or motion of the city council, said street commissioner shall perform said work. He shall be under the direct control and subject to the orders of the Mayor in matters relating to the repairing, cleaning and improving of the streets, gutters, crossings and bridges within the city,

but he shall be in no case allowed to incur expenses, employ labor, or make contracts for the city, without written authority from the Mayor, and nothing in this Chapter contained shall prevent the Mayor or city council from directing anyone else to perform any or all of the duties prescribed for the street commissioner, and nothing herein contained shall prevent the city council or Mayor from directing said street commissioner to perform other duties than those mentioned in this chapter.

Article 86. **Shall Keep a Time Book.**—The street commissioner shall keep a time book, in which shall be entered the names, the residence, the amount of work done, and the wages paid such employees under his charge, and he shall make a full report of the same to the Mayor and council on the first meeting of the city council of each month.

Article 87. **Police Authority of Street Commissioner.**—The street commissioner shall have and exercise all the powers vested by the ordinances of said city of Beaumont in the chief of police, relative to the arrest of persons guilty of violating any of the ordinances of said city relating to streets and bridges, and it shall be his duty to arrest all persons known or believed by him to be guilty of violating any of the provisions of said ordinances.

Article 88. **Must Take Oath and Give Bond.**—Before entering upon the discharge of his duties, the said Street Commissioner shall take the oath of office prescribed by the State Constitution, and shall execute a bond in the sum of One Thousand Dollars, with two or more sureties, to be aproved by the Mayor, conditioned that he will faithfully and honestly discharge his duties as street commissioner.

Article 89. Failure to comply with this chapter shall be ground for removal of the street commissioner.

CHAPTER XI.

CITY ENGINEER.

Article 90. **Qualification, Bond and Oath of City**

Engineer.—The City Engineer shall be a professional civil engineer. He shall, before entering upon the duties of his office, execute a bond, payable to the City of Beaumont, with two or more good and sufficient sureties in the sum of Two Thousand Dollars, to be approved by the council, conditioned that said engineer shall faithfully, correctly and efficiently discharge the duties of his office during the term of his incumbency, and in case of damage to any person through error, incompetency, negligence or fraud on his part, that he shall pay the party all damages resulting therefrom. He shall also take and subscribe to an oath of office, to well and truly, and to the best of his skill and ability, discharge and perform the duties of his office.

Article 91. **Established Monuments.**—It shall be the duty of the City Engineer to ascertain the established monuments of the city survey, and from thence to extend the survey of the city, and from thence to locate, establish and survey all private property and streets when called upon or required so to do.

Article 92. **Engineer to Keep Record.**—It shall be the duty of the City Engineer to procure for his office and use as property of the city, and at the expense thereof, suitable books, to be used for the record and illustrations by suitable drawings of all city work done by him pertaining to grades, streets, sidewalks, sewers, drains, ditches and all public work. Also for recording all private surveys. He shall have full control and custody of, and be responsible for, all property pertaining to the office of City Engineer, and shall receipt for them by inventory and return them to the Mayor, or his successor, on leaving office.

Article 93. **To Make Surveys.**—Whenever called upon by any owner, agent or lessee of any property within the city to survey limits or boundaries, said engineer shall, as soon as practicable, proceed to make the required survey, measuring from the nearest established monument or initial point. Said City Engineer shall also establish such other monuments or initial points at

the intersection of such streets as may be deemed necessary, to remain as permanent monuments for future reference and guidance, and make a full and complete record of the same in the books of his office. Said monuments or initial points so established shall not be altered or disturbed by any person or persons, under a penalty of not less than fifty dollars.

Article 94. **Subdivision of Property.**—All property to be subdivided into lots, blocks and streets within the City of Beaumont shall hereafter be laid out under the direction of the city council, or subject to its approval, and no other provisions will be recognized by the city

Article 95. **Regulating the Laying Out, Subdivision and Platting of Land Into Lots, Blocks and Streets, Within the City of Beaumont.**—It shall be unlawful for any owner, or the agent for any owner, to lay out, subdivide, or plat any land into lots, blocks and streets, within the City of Beaumont, Jefferson County, Texas, or to sell property therein and thereby, which has not been laid off, subdivided and platted to conform to the lots, blocks and streets abutting the same, and which plat and subdivision has not been approved by the City Engineer of the City of Beaumont, and the dedication of the streets therein contained, accepted by the City Council of the City of Beaumont, and a correct map of the same filed in the office of City Engineer of the City of Beaumont.

Article 96. **Restricting the Officers or Employees of City.**—It shall be unlawful for any officer or employee of the City of Beaumont to do, or cause to be done, any work upon any street in addition or subdivision to said City of Beaumont, laid off, platted, or subdivided since the passage of this and preceding article, unless all the requirements have been complied with by the owner of said addition or subdivision.

Article 97. **Penalty.**—Any person violating any provision of this and the pereceding articles shall, upon conviction, be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, for each week's failure to obtain the approval of the City Engi-

neer of said subdivision or plat, and the acceptance of the dedication of the sereets therein by the City Council of the City of Beaumont, shall constitute a separate offense.

Article 98. **To Flush Gutters.**—The supervision and control of the flushing of all streets and gutters of the City of Beaumont is hereby given to the City Engineer of the City of Beaumont, and all necessary authority therefor is hereby delegated to said engineer, provided, that the number of employees to perform said labor is to be fixed by the Mayor and the Finance Committee of the City Council of said city.

Article 99. **Fees for City Engineer.**—The City Engineer is hereby authorized to charge for all work performed for private parties as follows, viz: For survey of one lot, two dollars and fifty cents ($2.50); for survey of two lots adjoining each other five dollars ($5.00); for survey of all lots over five, one dollar and twenty-five cents ($1.25) additional; for survey of an entire block, with subdivisions, when owned by one person, seven dollars and fifty cents.

Article 100. **Fees to be Paid to the City Assessor and Collector.**—The fees provided for in the preceding article shall be paid to the City Assessor and Collector in advance, by the person, company or corporation desiring the survey, and said City Assessor and Collector shall thereupon issue to said persons, firm or corporation a recipt therefor, showing therein the lot or lots, block or blocks, for which survey fees have been paid. Upon notice from the Assessor and Collector of the City Engineer that the fees have been paid, he shall proceed to make said survey and issue a survey certificate as soon as practicable thereafter, and thereupon the applicant shall surrender to the City Engineer the receipt for fees issued by the Assessor and Collector.

Article 101. **Blank Forms.**—Blank forms will be prepared by the City Secretary for the use of the City Engineer and City Assessor and Collector, with which to comply with the provisions of this Chapter.

Article 102. **Shall Run Levels.**—The City Engineer shall run a sufficient set of levels on every street, and project said levels on a proper paper of uniform scale, with the view of establishment of the proper grades and drainage of the city. In running the lines of levels as above, the Engineer shall establish bench marks at convenient distances, checking upon the same until they agree.

Article 103. **Shall Attend Meetings and Report to Council.**—It shall be the duty of the City Engineer to attend the regular meetings of the City Council, and he shall report from time to time the condition and progress of any public works under his superivision and control, and also make suitable reports from time to time when specialy directed or requried by the City Council. He shall make an annual report, setting forth the amount of work performed during the municipal year, the kind or character and cost of said work, and generally give a clear, concise and businesslike statement of the entire operations of his office during said municipal year, commencing and ending on the first day of April of each year.

Article 104. **City Engineer Shall Fix Property Lines.**—It shall be the duty of the City Engineer, when any person desiring to construct any improvement shall make application for a permit to make such improvement, to make a correct survey of the property, and to fix the lot and block lines of the same and furnish to such applicant a certificate of such survey, which certificate shall be presented to the Mayor for his approval, and the fee as fixed above shall be charged for such survey.

Article 105. **No Existing Lines to be Changed, Except.**—In no case shall the existing lines be changed or altered, except upon survey by the City Engineer. This and the preceding article intend only to refer to that portion of the lot or block that fronts on the street or streets, and the front lines only to be established by the City Engineer.

Article 106. **Map and Profile for Right of Way.**—No right of way over any of the streets within this city

shall be granted to any railway unless a map and profile of the grades along the streets named shall accompany the application and ordinance; and it shall be the duty of the City Engineer to inspect any and all such maps and profiles, and report the result of his investigation as soon thereafter as possible to the City Council, and no right of way shall be granted until such examination shall be made and reported upon, in order to better protect the rights of property owners along the several streets; provided, that there shall be no costs attached to the city.

Article 107. **No Tracks Shall be Laid Without Permits.**—No steam railway company shall lay down additional tracks within the limit of the city without a special permit from the City Council being first had and obtained. It shall be the duty of the City Engineer to examine and report on such application as to the advisability of granting said special permit.

Article 108. **City Engineer to Report Improvement to Assessor and Collector.**—Upon the granting of a permit, the City Engineer shall immediately furnish the City Assessor an abstract thereof, showing location (giving lot and block) of the improvement, and the estimated cost.

Article 109. **Penalty for Improvement Without Permit.**—Any person who shall make, or cause to be made, any such improvement, building alteration or repairing, without having obtained such permit, shall, on conviction, be fined in a sum not less than twenty-five nor more than one hundred dollars.

CHAPTER XII.

HEALTH OFFICER.

Article 110. **Health Officer—His Appointment.**—There shall be appointed by the City Council at the time and manner provided in Section (8) of the Charter, a City Health Officer, who shall hold his office for the term of two years from the date of his appointment, and until his successor is appointed and qualified.

Article 111. **Shall be Physician in Good Standing.—Has Charge of Pest House and Diseased Persons.—The** Health Officer shall be a physician in good standing. He shall take charge of the city pest house, and all persons afflicted with pestilential diseases within the city limits.

Article 112. **Drainage and Sewerage.**—He shall keep careful watch upon the drainage and sewerage system of the city and promptly report to the City Council any needful changes, for the promotion and maintenance of the public health.

Article 113. **Sanitary Matters.**—He shall recommend to the City Council such changes in a hygienic point of view as he may deem proper, and generally perform on order of the Mayor or City Council, such services for the sanitary benefit of the City as its condition may require.

Article 114. **Reports of Births and Deaths to Health Officer.**—Every Practicing physician within this city is hereby required, whenever a patient under his care dies, to furnish to the City Health Officer a certificate of such death and the cause thereof, such certificate to conform to the requirements prescribed by state laws or by the board of public health of this State. Every physician or midwife attending at the birth of a child, shall furnish to the City Health Officer a certificate of such birth, showing the sex of such child, and such other information as is required by State Laws or by the Board of Public Health of this State.

Article 115. **Health Officer shall report Sanitary Conditions, Births and Deaths, and Keep Birth and Death Record.**—The City Health Oifficer shall make a full report to the City Council, once each month, concerning sanitary condition of the city, with a statement of all births and deaths occuring within the city since the date of his last report; the report of such births to give the sex of the child, the color, residence and occupation of the parents and their names. The death reports herein provided for shall state near as possible the age, sex, color, residence and place of birth and the occupation of

the deceased and whether married or single, if known. And whenever any person dies without the care of a physician, the City Health Officer shall report and record such fact, and state as near as possible the same data required for other death reports herein. He shall also conform all such reports to all requirements made by State laws and by the Board of Public Health of this State, and shall record the same, and all birth and death reports coming to him, or of which he gains information, in well bound books to be kept for such purpose, which books and records shall be permanent and public records of this city, such records to show the same data and information as is required for reports of such births and deaths.

Article 116. **Pest Houses and Pestilential Diseases, Convicts.**—The Health Officer shall take charge of the City Pest House and all persons afflicted with pestilental disease, and shall give proper medical treatment to all city convicts.

Article 117. **May Have Patients Removed to Pest House.**—The Health Officer with the aproval of the Mayor shall have the power, should he deem it necessary for the public health of the city, to cause any person who may be infected with or known to have been exposed to contagion from any disease of a pestilental, contagious or infectious character, to be removed to the pest house of the city, and in case of resistance, it shall be his duty to call upon the Chief of Police, who shall use such force as shall or may be necessary to effect such removel, when so directed.

Article 118. **Fumigation and Disinfection.**—It shall be the duty of the Health Officer, and he is hereby especially empowered, in cases of pestilential, contagious or infectious diseases in the city, to cause the houses and premises so infected, as well as the houses and premises of all persons who or which may have been exposed to any such disease, or into whose houses or premises he, the said Health Officer has reason to believe such disease has been carried, or may have been transmitted, either by expo-

sure, contact, visitation, or otherwise, to thoroughly clean, disinfect and fumigate any and all of said houses and premises, and to burn and destroy all bedding and clothes, and other movable property which may be infected with the grems of any of such diseases; in which event he shall report his action, together with a list of the articles so destroyed, to the Mayor who shall replace the same at the cost of the City.

Article 119. **Citizens to Obey Orders of Health Officer.**—It shall be the duty of all persons infected with, or exposed to, any disease of a pestilential, contagious or infectious character, or who from exposure or otherwise to contagion from such disease, may be liable to endanger others who may come in contact with them or persons whose houses or premises may have been exposed to such disease, to strictly observe all commands, orders and injunctions that may be given them by the City Health Officer, or those acting under his authority.

Article 120. **Penalty.**—Any person violating any of the provisions of the foregoing ten articles, or of interfering with the duties of the Health Officer, or of refusing or failing to obey his orders, commands or injunctions, shall be deemed guilty of a misdemanor, and on conviction thereof shall be fined not to exceed One Hundred Dollars.

Article 121. **Physicians to Report Diseases.**—It shall be the duty of every practicing physician in the city to report to the Health Officer immediately, any suspicious case in his practice, of any infectious or contagious disease, and shall at the time of his discovery thereof, notify all occupants of the house wherein said disease may be located, to refrain from leaving said premises, or permitting others to visit said premises until the Health Officer shall have taken charge of said case, and properly disposed of same; and any physician or other persons violating any of the provisions of this Article, shall, upon conviction therefor, be fined not to exceed One Hundred Dollars.

Article 122. **Citizens Shall Report Diseases and Re-**

frain from Visiting, When, etc.,—In case of contagious or infectious diseases in the City, it shall be the duty of every person, where they have no attending physician, to immediately notify the City Health Officer of any case, or suspicious case, of any such disease in his family, or any person occupying such house or premises, or permitting his neighbors or others to visit said premises, without the permission of the City Health Officer, and anyone violating any of the provisions of this Article shall upon conviction therefor, be fined not to exceed One Hundred Dollars.

Article 123. **Patients Shall Not Leave Pest House Without Permission.**—Whenever the City pest house shall be occupied by any patient afflicted with any contagious or infectious disease, or by anyone placed there who may have been exposed to such contagious or infectious disease, it shall be unlawful for any such person to leave said pest house, or for anyone not confined therein to visit said pest house without the permission of the City Health Officer, and it shall be the duty of all guards who may be on duty guarding such pest house or any private residence where any of said diseases may be located, or where persons may be, who have been exposed thereto, to arrest without warrant any person leaving or visiting said pest house or said private residence without the permission of the City Health Officer, and anyone violating any of the provisions of this Article, shall upon conviction therefor, be fined not to exceed One Hundred Dollars.

Article 124. **Health Officer Shall Abate Nuisances. —Penalty.**—Whenever it shall come to the knowledge of the Health Officer, by personal observation or information, that there is carried on any business, trade or occupation that is or may become a nuisance, affecting or liable to affect the persons residing or pursuing any occupation in the neighborhood, it shall be his duty to give notice to the persons creating such nuisance, or to the owner or occupant of the premises, to abate the same, and if such nuisance be not abated within forty-eight (48) hours after such notice has been given, the persons to

whom it has been given, shall be fined not to exceed twenty-five dollars for each day such nuisance is permitted to remain after such notice.

Article 125. **Council May Adopt Health Measures.**—The City Council shall have the power to adopt such measures as they may, from time to time, deem necessary for the proper protection of promotion of the health of the city and the enforcement of such sanitary rules as will secure its proper hygienic government.

Article 126. **Health Officer to Keep Posted.**—It shall be the duty of the Health Officer to keep himself informed as far as possible of the appearance of any pestilential, infectious or contagious disease at any port or place which may endanger the sanitary health conditions of the city, and report the same to the City Council for such action as may be deemed advisable.

Article 127 **Council May Decalre Quarantine, When.**—The City Council shall have the power to declare quarantine against any place infected with any pestilential, contagious or infectious disease, and upon declaring quarantine against infected place, the City Health Officer shall give public notice of the fact, and shall, with the Mayor, have general executive power in all matters pertaining to said quarantine, and apoint officers and guards, and prescribe rules and regulations for their conduct as such.

Article 128. **Hotels, etc. Shall Report, When.**—All hotel, boarding house and lodging house keepers, whether public or private, must give immediate information to the Health Officer in all cases of contagious, pestilential or infectious diseases which may occur on their premises and no patient afflicted with any such disease shall be removed from one place to another without the permission of the Health Officer, who must report all such cases to the City Council. Any person violating the provisions of this Article shall upon conviction, be fined not less than ten or more than fifty dollars.

Article 129. **Penalty.**—Any person who shall fail or

refuse to obey the orders of the City Health Officer respecting the removal of a nuisance, or cleaning his premises after due notice by the Health Officer and sufficient time allowed to remove such nuisance or clean said premises, shall on conviction, be fined not exceeding Twenty-five Dollars, which penalty shall only apply where not otherwise or elsewhere specially provided for such violations.

Article 130. **Property to be Kept Clear and Clean.**—Any and all persons owning or controlling pieces, parcels, lots, blocks or tracts of land within the territory of the limits of this City, shall keep said property and premises clear of all weeds, trash, filth, etc., and they shall not permit weeds and grass to grow and flourish thereon but shall keep the same cut short to the surface of the ground, and in a neat condition. Any person violating the provisions of this Article shall be fined in any sum not to exceed Fifty Dollars.

Article 131. **Grass and Weeds, Taxing of Property with Cost of Cleaning, etc.**—Permitting or allowing weeds and grass or either to grow and floruish upon lots, parcels or blocks of land within this city, whether the same be vacant or occupied, being detrimental and dangerous to the health of the city, is hereby declared a nuisance, and it is hereby made the duty of the owner, agent, tenant, occupant or lessee thereof, to keep said property and premises free of such weeds and grass, by cutting the same to the earth's surface and keeping same so cut.

In order to affect the abatement and removal of such weeds and grass or either, it is hereby made the duty of the Health Officer, whenever the condition of the weeds or grass on any of such premises or parts thereof is such in his opinion as to be detrimental to the public health, to cause the Health Inspector or other proper officer to notify and order the owner, agent, occupant, tenant or lessee thereof, to abate and remove the same, by cutting the same flush with the earth's surface and burning or removing same after being so cut.

If the person who has been so served with such no-

tice shall fail within the time indicated (which shall not exceed five days) in the notice to comply with such order of the Health Officer or fail to show any good cause why he cannot or ought not comply therewith, he shall be deemed guilty of a misdemeanor and upon conviction shall fined not less than ten nor more than One Hundred Dollars, with an additional fine of not less than five or more than twenty-five dollars for each and every day that the person or persons thus convicted, shall, after conviction, or after the expiration of the time so allowed in such notice, fail or refuse to abate, or use due diligence in the work of abating such weeds or grass nuisance. If such service cannot be made on the person of such owner, agent, tenant, occupant or lessee of such premises upon which such nuisance may exist for the reason that such owner, agent, tenant, occupant or lessee cannot be found in the city (of which fact the return of such notice shown by the officer returning same, shall be conclusive evidence) then such notice shall be published in the newspaper in this city doing the city printing for the period of five days, and if after the expiration of said five days, the said weed and grass nuisance is not abated and removed, then the City Council may order same removed under the supervision of the City Health Inspector, and keep said premises free and clear of such weeds and grass nuisance, as long as the owner, agent, tenant, occupant or lessee neglects, fails or refuses so to do.

The City Council, for the purpose of acquiring reliable information of the probable cost of removing and abating said nuisance shall cause the City ealth Inspector to make an estimate of the cost of abating and removing such weeds and grass and keeping same removed for the current year or during such portion of the year as such weeds and grass will likely grow and flourish, and said Health Inspector shall make report of said probable cost and shall report a full list of all lots or premises upon which such weeds and grass is located, together with the name of the owner, agent, tenant, occupant or lessee, if known, and such other information as the Council may require. If there be any lot or premises,

the owner of which is not known to said inspector, the same shall be entered on said lists as unknown, and the said Inspector shall enter upon said lists, opposite each name or lot the estimated cost of such work during such period. Upon the acceptance of such lists and estimate by the Council and the ordering of such work, said amounts so ordered by the Council as necessary to abate and remove said nuisance shall be imposed, levied and assessed by the City Council on said lots and premises respectively, and shall be collected by the collector of said city as taxes, and shall be and constitute a lien upon said premises until paid. Said assessment shall bear interest from the date of such work until paid at the rate of six per cent per annum, and the City Council may cause suit to be brought and recovery had therefore in the name of the City in any court of competent jurisdiction, and the report of the cost of said work by the City Health Inspector, together with the proceedings of the City Council, in making said levy and assessemnt, or a copy thereof, shall be satisfactory evidence for the recovery of a personal judgment against the person properly chargeable therewith, and for foreclosure of tthe lien herein provided for.

Article 132. **Preventing Keeping Certain Number of Stock in Residence Sections.**—The use of Lots or Blocks of land in the City, within the residence sections thereof, for keeping, feeding, herding or maintaining live stock of any kind, exceeding three in number, being likely to produce bad odors and to affect the comfort or health of the people, is hereby prohibited, and any person or persons who shall violate the provisions of this Article shall, upon conviction, be punished by a fine of not less than ten nor more than twenty-five dollars, and each day such live stock is kept, or such premises so used, shall constitute a separate offense.

Article 133. **Empowering Health Officer to Declare, Remove and Abate Nuisances.**—The City Health Oifficer is hereby empowered and it is hereby made his duty to abate and cause to be abated, all nuisances which may or might impair or affect the health or comfort of the

community or any individual in this city or of such community, and to do all acts and to make regulations which may be necessary or expedient, in his opinion, for the promotion of health or the prevention or suppression of disease. The City Health Officer is further empowered and required, whenever any premises, lots or blocks or parts thereof, in this city, whether the same be occupied or not, and whether vacant or not, is in such condition as in his opinion to be detrimental to public health or likely to become so, or to seriously affect the comfort of the community, to officially declare the same a nuisance, and to issue such orders and notices and make such rules and regulations regarding such nuisance as in his opinion the public health or sanitary conditions may require, and all persons are required to strictly observe and obey such orders, notices, rules or regulations of such Health Officer.

In order to abate nuisances and remove filth, etc., the City Health Officer shall have the power, whenever in his opinion any premises, lots or blocks, whether occupied or not, and whether vacant or not, are in such condition, either from accumulation of substances thereon or from any other cause as is, or likely to, become, detrimental to public health, after being officially so declared by him, to notify in writing, through the proper officer, the owner, agent, occupant, tenant or lessee thereof, to abate and remove the same, either by filling up, draining, cleansing, purifying or removing the same, as the case may be.

Article 134. **Penalty.**—Any person or persons who may violate, resist or fail to comply with, any order, notice, rule or regulation issued by the City Health Officer, shall be fined not less than ten nor more than one hundred dollars.

SANITARY DISPOSAL OF SEWERAGE, GARBAGE AND OFFAL.

Article 135. **Health Officer Shall Examine, etc.**—The City Health Officer shall examine into all garbage, offal disposal, nuisances detrimental to public health,

sources of filth and causes of sickness within the City and the owner or occupant shall cause such to be removed, destroyed or prevented as the case may require. And it shall be unlawful for any person within this city to allow any garbage, offal or any substance detrimental to public health to accumulate or to remain on the premises owned, occupied or controlled by him.

Article 136. **Dumping Grounds.**—Certain grounds shall be selected by the Mayor and City Council and designated as dumping grounds for the emptying and final disposal of garbage, offal, night soil, carcasses of dead animals and refuse of all kinds, which place shall be so situated as to cause as little nuisance as possible, and it shall be the duty of the scavenger or other persons to haul said refuse to said grounds, and the local health authority shall see that such places are kept in as sanitary condition as possible at all times.

Article 137. **Disposal of Livery Stable Droppings, etc.**—It shall be the duty of every owner or proprietor of every livery stable to construct a water tight box or bin of sufficient size to hold not more than one wagon load of manure, in which all offal or droppings of animals shall be kept, and the contents of said box must be carted off once a week, or oftener, when filled, or whenever it becomes a nuisance.

Article 138. **Refuse Shall Not Drain Into Wells, Cisterns, etc.**—No person shall throw or deposit any garbage, offal, night-soil, dead carcasses of animals or filth into or where same would drain into any public or private well, cistern or other water supply.

Article 139. **Pens for Stock.**—All cattle, horses or hog pens, stables or enclosures in which any cattle, horse or hog may be kept or confined, shall be so drained, and all offal so removed, as to create no offensive odor or smell.

Article 140. **Privy Regulations.**—No person owning or occupying any premises shall knowingly construct or keep or allow to be kept on their premisese any privy, the contents whereof are exposed to view, or can be seen

from any street or other public place, or allow the contents to become offensive or unsanitary, or discharge the contents of a privy or watercloset into any street, alley, public thoroughfare, or other public place, or upon the premises of any other person.

Article 141. **Shall Connect With Sewer, When.**—All owners or occupants of premises in this city having privies or box closets on such premises must, if within 300 feet of any public sewer, make permanent sanitary connection with the same. Where no sewer system exists and privies or box closets are used, they are required to have under each such privy or box closet a barrel, box or other water tight receptacle overground in which lime, ashes, pulverized dust, or some of the approved disinfectant solutions shall be used in such manner as not to create a nuisance; said box or other receptacle shall be emptied when full, or at any time when its condition shall become unsanitary; no pit or cess pool shall be allowed to form; and such box closet shall have hinged lids of wood, or wire gauze doors, so contrived as to prevent the ingress or egress of flies or other disease breeding insects.

Article 142. **Waste and Stagnant Water to be Drained.**—All occupants or owners of property shall keep same thoroughly drained so that no waste or stagnant water will be allowed to collect thereon.

INTERMENT AND DISINTERMENT OF THE DEAD.

Article 143. **Burial of Bodies Dead of Cholera, etc.**—Burial of bodies dead of Asiatic cholera, plague, smallpox or typus fever shall take place as early as possible, and in no instance later than eighteen hours after death. The transportation of such bodies except by hearse or undertaker's wagon is positively forbidden and no public funeral shall be allowed.

Article 144. **Opening of Graves, Vaults and Tombs, When.**—The sextons of the various cemeteries in this City shall have authority upon application of the proper owners or heirs of the tombs, vaults and graves, to open same. But no tombs, vaults and graves shall be opened

before one year for an adult and six months for a child, where human bodies were interred, unless by special permission from the Health Officer, provided that no tomb, vault or grave shall be opened by any sexton, where death has resulted from any contagious disease, until two years shall have elapsed from the date of such death and burial.

Article 145. **Disinterring or Removing Human Bodies.**—A sexton or other person desirous of disinterring or removing the body of a human being from one cemetery to another cemetery or to another part of the same cemetery, or from receiving vault, or tomb elsewhere, shall first obtain a written permit from the City Health Officer and such permit shall state specifically where such body is to be buried or entombed and the manner of its removal.

SLAUGHTER HOUSES.

Article 146. **Shall Have Abundant Supply of Water.**—All slaughter houses within the limits of this city must have an abundant supply of water from a well or other source which is not contaminated. This water must be supplied with adequate pressure through a hose to all parts of the room or rooms used for the purpose of slaughtering or preparing meats for consumption as human food.

Article 147. **Must Have Water Tight Floors, etc.**—All such slaughter houses must have water tight floors and water must be carried 100 feet away from the slaughter house. The floor must be thoroughly washed each day after the slaughtering is completed and the effluvia shall not be allowed to drain underneath the building or collect in pools nearby, nor shall such effluvia be conducted into any stream or pond or allowed to contaminate any well whose waters are used in connection with the slaughter house, or that may be used for domestic purposes.

Article 148. **Cleaning Walls, etc.**—The walls and all exposed surfaces on the inside of a slaughter house must

be cleaned by washing or scraping as often as necessary in order to keep the premises in proper sanitary condition. If the walls are not painted, they must be calcimined or white-washed at least every three months. Painted walls must be repainted at least once a year.

Article 149. **Rooms Must be Properly Screened.**—All rooms where animals are killed or where meat is handled or displayed or kept for any length of time must be completely screened, at all doors, windows, and other openings and properly protected from flies.

Article 150. **Old Floors, Tables, etc. to be Replaced.**—Where floors or other parts of a building or tables or other parts of the equipment are so old or in such a condition that they cannot readily be made sanitary, they shall be removed and replaced by suitable materials, or otherwise put in a condition acceptable to the local health authority.

Article 151. **Equipment and Tools to be Cleaned Daily.**—All trucks, trays and other receptacles, all chutes, platforms, racks, tables, etc., and all knives, saws, cleavers, and all other tools and all utensils and machinery used in moving, handling, cutting, chopping, mixing, canning, or other process shall be thoroughly cleaned daily, if used.

Article 152. **Materials for Aprons, Overalls, etc. and Cleaning.**—The aprons, overalls, or other outer clothing of employees who handle meat in contact with such clothing, shall be of material that is readily cleansed and made sanitary, and shall be cleansed daily, if used. All persons who handle meats or meat food products shall be required to keep their hands clean.

Article 153. **Removal of Offal.**—All offal and refuse must be removed from the slaughter house on the day of slaughtering and disposed of in a sanitary manner.

Article 154. **Coolers and Ice Boxes for Meats.**—Slaughter houses shall be provided with a cooler or ice box for the proper cooling and chilling of meats, where the carcasses are to remain in the slaughter house for a

greater length of time than twelve hours, into which the carcasses shall be placed directly after being slaughtered, and kept until removed from the premises. Cooling and storage rooms for the meats must be properly ventilated.

Article 155. **Keeping of Pens.**—All Pens and enclosures connected with any slaughter house must be kept in a sanitary condition, and no hogs or other animals shall be kept in 100 feet of any slaughter house.

Article 156. **Slaughtering Done in Regular Places, Except.**—No slaughtering shall be done in barns, sheds, shipping pens or other buildings not designed or suitable for the slaughtering of animals and the handling, dressing and cooling of meats; nor shall any slaughtering be done outside of any building except in rural districts and for private consumption.

Article 157. **Inspector of Animals.**—The City Health Officer or a duly apointed inspector, shall be an inspector of animals and meat supplies intended for human consumption within his jurisdiction, and he may inspect meat intended for food after it is taken to the market.

Article 158. **Shall Not Sell Meats Until Inspected, When.**—Whenever provision for the inspection of meats is provided for by the appointment of a regular meat inspector, no person or persons shall sell or offer for sale, in this city any meat intended for human consumption, whether slaughtered within such district or elsewhere, unless the same has first been inspected and approved by such duly appointed and commissioned inspector.

MEAT CARTS.

Article 159. **Must be Protected from Flies and Washed.**—Carts or vehicles in which meats or meat food products or fish are transported, peddled or delivered, shall be so constructed as to protect the meat from contamination by flies, dust or other extraneous matter;

must be washed daily and maintained in a sanitary and cleanly condition.

Article 160. **Meats Must be Wrapped When Transported.**—Meats, whether entire carcasses, quarters or cuts thereof, shall not be conveyed through the streets by team or otherwise, unless properly wrapped or otherwise protected from contamination, and such covering shall be kept clean and sanitary.

MARKETS.

Article 161. **Screening, Flooring, Disposing of Refuse, Exposing Meats.**—Meat markets, fish markets and butcher shops or stalls shall be completely screened against flies, the floors shall be thoroughly scrubbed once each day, and scraps of meat, offal, bones, and other refuse organic matter shall be kept in a closed receptacle, which must be emptied once daily; the meat for sale must not be kept exposed to the air except in such quantities as are needed for immediate use, but shall be kept in adequate refrigerators or ice chests; all tainted meat shall be removed from the premises at once, and fixtures, rooms and premises must be maintained in a thoroughly sanitary condition.

Article 162. **Rooms Must be Properly Ventilated and Free from Odors.—Must be Provided With Cuspidors and Running Water.**—The rooms or compartments in which meats or meat food products are prepared, cured, stored, packed or otherwise handled shall be properly lighted and ventilated and shall be so located that odors from toilet rooms or catch basins, tank rooms, hide cellars, etc., do not permeate them. All rooms or compartments shall be provided with cuspidors which employees who expectorate shall be required to use. Where meat food products are prepared in a market, i.e., sausage, lard, pickled pork, beef, etc., a separate room properly ventilated, lighted and supplied with running water shall be provided for this purpose exclusively, with the exception that sausage may be ground in the market proper, if under suitable conditions.

Article 163. **Unwholesome Meats not to be Sold.—No** person shall sell or offer for sale any part of any animal carcass slaughtered when not in good health, nor any decaying or unwholesome animal matter, nor any article in which there has been used to any extent whatever any meat described, with the intent that the same may be used as human food.

CARE AND MANAGEMENT OF DAIRIES AND SALE OF MILK.

Article 164. **Character of Buildings.**—No building shall be used for stabling cows for dairy purposes which is not properly constructed, well lighted, ventilated and provided with a floor that can be readily cleaned and drained.

Article 165. **No Water Closet, etc. Allowed in Buildings.**—No water closet, privy, cess pool, urinal, inhabited room or workshop, shall be located within any building shed or room which is used for stabling cows for dairy purposes, or for the storage of milk or cream, nor shall any hog, horse, sheep, goat or other animal be kept in any room used for such purpose.

Article 166. **Spaces for Cows.**—No space in buildings or sheds used for stabling cows shall be less than four hundred (400) cubic feet for each cow, and the stalls thereof shall not be less than four feet in width.

Article 167. **Stalls, etc., to be Kept Thoroughly Clean, etc.**—All rooms and stables in which cows are kept for dairy purposes shall at all times be thoroughly clean and in good repair, and shall be painted at least once each two years or white washed at least once each year.

Article 168. **Removal of Manure, etc.**—All manure shall be removed from the room or stable in which cows are kept for dairy purposes at least once each day and shall not be stored where odors from the same will be noticeable at the stable.

Article 169. **Shall Wash Udders Thoroughly.** —Ev-

ery person keeping cows for the production of milk for sale shall cause the udders of each cow to be thoroughly washed and cleaned before each milking and be properly fed and watered.

Article 170. **Drinking Water Receptacles to be Provided.**—Every person using any premises for keeping cows shall cause the yard in connection therewith to be provided with a proper receptacle for drinking water for such cows, and none but fresh, clean, pure water shall be stored in such receptacle.

Article 171. **Grading and Draining Enclosures, etc.** —Any enclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry and to prevent the accumulation of water therein and no garbage, urine, foecal matter or similar substances shall be placed or allowed to remain in such enclosure.

Article 172. **Pails, Cans and Receptacles for Milk.**— Every person keeping cows for dairy purposes shall provide and use a sufficient number of pails, cans or other receptacles, made of glass, stoneware, glazed metal, or No. 1 tin, for the reception of, storage and delivery of milk, and shall cause all milk as soon as drawn from the cows to be removed from the room in which the cows are kept to a separate milk room.

Article 173. **Milk Room.**—The milk room shall be thoroughly screened with not coarser than 14 wire mesh and thoroughly protected against flies, kept scrupulously clean and free from dust, shall not be used as a living or sleeping room and shall be separate from the barn or stable in which cows are kept. It shall be supplied with pure water and suitable facilities for straining, cooling and storing milk, and washing and sterilizing all utensils and apparatus in which milk is received, stored and delivered.

Article 174. **Cans, etc. to be Sterilized Daily.**—All cans, measures, bottles and other receptacles of any sort used in the sale or handling of milk shall be sterilized (scalded with boiling water or live steam) daily.

Article 175. **Straining and Keeping Milk.**—All milk shall be strained through cloth, or wire cloth strainers, and if kept in milk room longer than three hours shall be stored in a covered cooler or refrigerator.

Article 176. **Milk Cans to be Covered.**—All milk cans delivered to creameries or dealers in cities shall be covered with air-tight lids, and when conveyed in open wagons shall be covered with canvas while being so conveyed, and said canvas shall be cleansed by frequent washing.

Article 177. **Shall Notify Health Officer of Disease.**—Every person engaged in the production, storage, transportation, sale, delivery or distribution of milk, immediately on the occurance of any case of infectious disease either in himself or his family, or amongst his employees or their immediate associates, or within the building or premises where milk is stored, sold or distributed, shall notify the local health officer.

Article 178. **Persons Diseased or Exposed Shall Not Milk Cows.**—No person having an infectious disease, or having recently been in contact with a person having an infectious disease, shall milk or handle cows, measures, or other vessels used for milk intended for sale, until all danger of communicating such disease to other persons shall have passed.

Article 179. **Bottles, etc. Not to be Removed from Premises Where There is Infectious Disease.**—No bottle, can or receptacle used for the reception or storage of milk shall be removed from a private house, apartment or tenement wherein a person has an infectious disease, without the approval of the local health officer.

EXAMINATION OF CATTLE FOR TUBERCULOSIS.

Article 180. **Examination of Cattle.**—All owners of dairy herds suulying milk or milk products must within ninety days from the passage of this Act, have each and every animal in such herd carefully examined with the tuberculin test by or under the supervision of the lo-

cal health officer, for tuberculosis, and all animals found suffering with the disease shall be branded "T. B." on left shoulder in letters not less than 4 inches in height, and shall be eliminated from the herd and isolated or killed.

Article 181. **Report of Disease by Veterinary Surgeons.**—Every veterinary surgeon, or other person, having knowledge of any animal used for dairy purposes being infected, or suspected of infection, with tuberculosis, shall report the same to the local health authority within twenty-four hours after the time of his first knowledge of the nature of such disease.

Article 182. **Siezing and Killing Diseased Animals.**—In the event that such animal suffering from tuberculosis be condemned and thought best by the local health authority that the same be slaughtered, it shall be the duty of the County Judge (or Mayor as the case may be) to issue his order to the proper officer commanding him to sieze said diseased animal or animals, and take same to some secluded place and kill them and bury or burn the carcass.

Article 183. **Reacting Animals.**—The reacting animals that show no physical evidence of the disease, after being branded and isolated may be kept for breeding purposes.

Article 184. **Off-spring from Infected Cows.**—The off-spring from the infected cows must be promptly removed from their dams and must be fed on milk from non-reacting cows or the Pasteurized (heated to a temperature of 165 F.) milk from the reacting ones.

Article 185. **Isolated Cattle Slaughtered, When.**—If any of the branded and isolated cattle give evidence of enlarged glands or emaciation or other evidence of the disease advancing, they must be slaughtered.

Article 186. **Examinations Every Six Months.**—The non-reacting animals must be examined and listed at least twice a year at intervals of six months, and if

any of same react, they must be branded and placed with the isolated ones.

Article 187. **Calves from Reacting Cows.—The** calves which are raised from the reacting cows, if they do not react to tuberculin, may be placed with the sound herd.

Article 188. **Killing Infected Cattle for Beef, When.** The branded and isolated cattle may be fattened and killed under proper inspction for beef, providing the evidence is clear that the disease is localized.

SANITATION AND DISINFECTION OF PUBLIC BUILDINGS.

Article 189. **Sanitation and Disinfection of Public Buildings.**—Every public building must:

(a) Be properly lighted and well ventilated.

(b) Where drinking water is furnished it must be pure and wholesome.

(c) The sweeping must be performed daily when in use and if possible at a time when the building is free from occupants and must be done in such a way that clouds of dust will not arise by the use of either the pneumatic vacuum process or by sprinkling sufficient sawdust, wet paper or other wet material to allay the dust; said material to be dampened with a two per cent absolute formaldehyde or disinfectant approved by the State Board of Health.

(d) No feather dusting or dry dusting shall be practiced (except the pneumatic vacuum process), but a cloth wet with a 2 per cent solution of absolute formaldehyde or other approved disinfectant must be used at least once daily or as often as occupied.

(e) Burlap, coco, Japanese or Chinese matting, or other absorbent covering shall not be used on the floors of assembly halls, dining rooms, halls or stairways.

(f) Spitting on the floors or steps of any public building is hereby prohibited.

(g) Wide mouthed cuspidors containing at least four ounces of 2 per cent formaldehyde or other approved disinfectant shall be provided in all public buildings except places of public worship, in sufficient number for the convenience of the public. They must be cleansed thoroughly every day.

(h) Urinals and water closets must be provided for all public buildings when completed and opened for use; they must be readily accessible, kept in proper sanitary condition, and if within 300 feet of any public sewer must make permanent sanitary connections with the same Where no sewer system exists and privies or box closets are used they are required to have under each such privy or box closet a barrel, box or other water-tight receptacle overground in which lime, ashes, pulverized dust or some one of the approved disinfectant solutions shall be used, in such manner as not to create a nuisance; said box or other receptacle shall be emptied when full or at any time when its condition shall become unsanitary; no pit or cesspool shall be allowed to form; and such box closet shall have hinged lids of wood, or wire gauze doors so contrived as to prevent the ingress or egress of flies or other disease breeding insects.

Provided, that in public buildings not now having urinals and water closets as above required, they shall be provided with same within ninety days from the passage of this Act.

(i) No janitor, elevator tender, porter or other employee suffering from any contagious disease reportable under the provisions of the Sanitary Code for Texas, if in a communicable stage, shall be employed in any public building in this city.

(j) Hotels, restaurants, boarding houses, eating or lunch stand, lodging houses, hospitals, sanitoria, together with their halls, galleries, staircases and passages, shall be scrubbed at least twice a week with soap and water, to which shall be added sufficient quantity of formaldehyde or approved disinfectant to make a 2 per cent solution.

(k) Public buildings enumerated in the preceding section must have all sleeping apartments, dining rooms or other rooms where food is either prepared or eaten, screened with wire mesh gauze not coarser than 16 mesh, so as to effectively prevent the entrance of mosquitoes, flies and other disease breeding insects.

(l) The site of all public buildings must be thoroughly drained and no waste or stagnant water allowed to collect.

(m) Hotels, boarding houses, restaurants, eating houses and lunch stands, in addition to the preceding requirements, must have:

(n) Every ice box or refrigerator scoured with boiling water, and aired at least once a week and oftener, if necessary, to keep clean and sweet. Ice must be washed before being put into the boxes or receptacles and must be handled with tongs.

(o) The walls and floors of all kitchens kept in proper repair, and other precautions taken to prevent rats from infecting kitchens, store-rooms, pantries and places where provisions are kept.

(p) Every restaurant, boarding house, hotel or other eating house shall provide a suitable covered receptacle for solid and liquid garbage and refuse, and said receptacle must be emptied and its contents removed from the premises at least once daily, and must provide also sufficient and adequate grease traps (if sewers be used) to secure proper and sanitary removal of said waste grease to prevent the escape of said grease into the sewer, gutter or street.

(q) All public buildings shall be thoroughly disinfected under the supervision of the local health authority with formaldehyde or other approved disinfectant whenever any dangerous communicable disease is discovered therein.

STANDARD DISINFECTANTS.

Article 190. **Standard Disinfectants.**—The follow-

ing shall be the standards prescribed and fixed for all disinfectants used in the prevention and control of contagious diseases, or used under the requirements of this code:

Standard Disinfectant No. 1.—Five per cent carbolic acid solution.

Standard Disinfectant No. 2.—One-tenth of one per cent (1-1000) solution of bichloride of mercury.

Standard Disinfectant No. 3.—Four per cent solution of chloride of lime.

Standard Disinfectant No. 4.—Those coal-tar disinfectants approved by the State Board of Health after thorough bacteriological tests have been made and are recommended for use in certain strength solutions.

Standards for Aerial Disinfection.—(a) Formaldehyde gas generated by the formaline-permangenate method, using 6 3-4 ounces of permangenate of potassium and one pint of formaldehyde solution (U. S. P.) to each 1,000 cubic feet of room space.

Article 191. **Penalty.**—Any person who shall wilfully violate any of the provisions of the foregoing rules and regulations embraced in the foregoing fifty-six (56) Articles shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Five Dollars and not more than Two Hundred Dollars.

INSPECTION OF MILK, MEATS, VEGETABLES AND OTHER FOOD PRODUCTS.

Article 192. **Health Officer Shall Inspect.**—It shall be the duty of the City Health Officer to inspect or cause to be inspected milk, meats, vegetables and other food products as hereinafter provided.

He shall actively inspect or cause to be inspected all milk or food products kept or exposed for sale in this city and embraced in the purview of this and the follow-

ing articles under this heading and for this purpose he and the employees of his department shall have the right to inspect any animal in the city, provided it be of a kind commonly used for food, and to enter upon any premises for said purpose, and shall be allowed access to all storehouses, stands, stalls, refrigerators, boxes, wagons and other places where such things may be found, or where they are usually kept for sale, or where they may be advertised as kept for sale; and no person shall interfere with or obstruct such Health Officer or his employees or the officers in his department in such inspections, nor in their efforts to effect the same.

Article 193. **Prohibiting Selling, etc. Damaged** Fruit, etc.—No person shall bring into this City or have in his possession, with intent to sell, any decayed or damaged fruit, vegetables or animal substance.

Article 194. **Prohibiting Selling, etc. Unsound** Meats, etc.—No person shall expose or offer for sale or sell in this City, any blown, meager, diseased or bad meat, poultry or game or unsound diseased or unwholesome fish, fruit, vegetables or other market produce.

Article 195. **Prohibiting Selling Diseased Anima' or Flesh.**—No person shall bring within this City, or offer or expose for sale, or sell therein any sick or diseased animal or the flesh of any animal which, when killed was sick or diseased, or that died a natural or accidental death, provided such animal be an animal commonly used for food purposes.

Article 196. **Inspector to Condemn Unwholesome Foods.**—Whenever the Health Officer or an inspector or other employee of the Health Officer shall find any meat, fish, fruit, vegetables, or any other food product, that is blown, meager, diseased, bad, decayed, damaged, unsound, unwholesome, or otherwise unfit for consumption, as provided in the foregoing an dsubsequent Articles under this heading, that he shall have the right and authority to condemn the same as unfit for consumption, and it shall be the duty of such Health Officer or In-

spector or other employee of the Health Department to so condemn the same and to order such food product removed from the city, or to destroy it, or ti so saturate it with some chemical so that it cannot be offered for sale again, as in his judgment he may deem best, and that any Health Officer or Inspector, or other employee of the Health Department, who shall violate this Article shall be punished by a fine of not less than five dollars and not more than twenty-five dollars for each and every offense.

Article 197. **Food Products Divested of Parts Not Used for Food.**—No person shall bring into this City or have in his possession with intent to sell, any vegetables or fruit, except green peas or beans in pods and green corn in the inner husks, which have not been previously divested of all parts not commonly used for food, and no person shall have such parts in his possession, in any market place, nor in any cart or vehicle used for the sale of vegetables or other articles of food; provided, however, that this article shall not be construed to apply to such parts of vegetables or fruits as are necessary for their preservation.

Article 198. **Sale and Offering for Sale.**—Any article or animal exhibited or offered for sale in any market or elsewhere, as though it was intended for sale, shall be deemed offered and exposed for sale within the the intent and meaning of the Articles under this heading.

Article 199. **Prohibiting Sale of Milk Without Permit.**—No milk producer or milk vendor shall, either himself or through his agents, servants or employees, offer or expose for sale or deliver for sale, use or consumption, within this city, any milk, without first having obtained from the Health Officer a permit so to do, as hereafter provided.

Article 200. **Permits for Selling Milk Secured, How.**—To procure such a permit, the applicant shall present to said Health Officer his written application, and shall state therein the name and business and residence address of the applicant or applicants, the source or sources

from which said applicant or applicants obtain or will obtain supplies of milk, the number of cows in the possession of applicant, the average quantity disposed of by said applicant, and the manner and character of such disposition, such application to be made to the said Health Officer upon writen blanks to be provided by the Health Officer for such purpose. Such application shall further state the specific brand or business name, if any, under which said milk is to be sold, exchanged or distributed.

If the Health Officer, upon such application, shall determine the statements made therein are true, and that the applicant does not propose selling or offering or exposing for sale or delivering or distributing any unwholesome milk as food for any human being, it shall be the duty of the Health Officer to issue, without cost to said applicant, a permit to bring in to sell, expose or offer for sale, exchange, deliver or disribute milk within the city of Beaumont, and all such written statements required as aforesaid shall be registered in a register to be provided by the said Health Officer and kept for that purpose.

Article 201. **Permit for Each Place of Sale.—Not Transferrable.**—One such permit shall be required of each place of general sale or storage of milk. Such permits shall be issued only in the name of the owners of the supply of milk thus on storage or for sale, and shall for the purposes hereof, be conclusive evidence of such ownership. No such permits shall be sold or assigned or transferred. Such permits shall be subject at all times to revocation by said Health Officer in his discretion, upon sufficient cause therefor shown; provided, however, that no such permit shall be revoked, until after a hearing given by said Health Officer in the matter of revocation of such permit after five (5) days notice in writing has been served on the owner of such permit, stating the ground for complaint and time and place of hearing.

Article 202. **Holders of Permits Shall Register.**—At least once each year every person or persons, firm or

corporation, holding such permit shall register with the said Health Officer his or their name and permit number and shall make a written statement to said Health Officer containing all information required to be given by applicants for permits in their written applications for permits, as hereinbefore provided; and all applications for permits, and all such written statements required as aforesaid shall be registered in a register to be provided by the Health Officer and kept for that purpose.

Article 203. **Permit Number to be Exhibited on Wagons, Cans, etc.**—No person, persons, firm or corporation shall sell or expose for sale or exchange or deliver or distribute within the limits of this City, milk from any wagon or vehicle, unless such wagon or vehicle shall have exposed on both sides thereof the permit number of the person or persons, firm or corporation selling or offering or exposing for sale, or distributing or delivering or exchanging milk. Such permit number shall be painted on such wagon or vehicle in numbers not less than three inches in height, in what is known as Arabic numerals, and shall be placed on said wagon or vehicle under the direction and according to the requirements of the Health Officer, and in case milk is sold from cans or vessels (carried by human beings or on horseback) then permit number of the person or persons, firm or corporation so selling or offering for sale, delivery or exchange, such milk, shall be placed in a conspicious place on such can or vessel immediately below the opening thereof, so as to be plainly apparent on superficial inspection; or if such milk is sold or exposed, or offered for sale, delivery, exchange or distribution, such number shall be placed in a conspicuous place on such can or vessel immediately below the opening thereof, so as to be plainly apparent on superficial inspection; or if such milk is sold or exposed or offered for sale, delivery, distribution or exchange within a store or house, or the sidewalk of any street in this city, then such permit number shall also be constantly exposed in some conspicious manner at the place where such milk is so sold or kept, so as to be plainly apparent.

Article 204. **Prohibiting Selling, etc.—Impure or Unwholesome or Adulterated Milk.**—It shall be unlawful for any person or persons, firm or corporation, by themselves or by their agents, servants or employees, in this city, to render or manufacture, sell, offer for sale, exchange, deliver, distribute or have in his or its possession, with intent to sell, expose or offer for sale or exchange, or distribute for human consumption, any impure, adulterated, unhealthy or unwholesome milk.

Article 205. **Definitions of Adulterated, Impure, Unhealthy and Unwholesome Milk Requirements.**—The terms adulterated, impure, unhealthy and unwholesome, applied to milk or dairy products, and as used herein mean:

(a) Milk containing less than twelve (12) per cent um of milk solids.

(b) Milk containing more than eighty-tight (88) per centum of water fluids.

(c) Milk containing less than three and one-fifth (3 1-5) per centum of fats.

(d) Milk drawn from cows within fifteeen days before or within five days after parturition.

(e) Milk drawn from cows fed on any unhealthy or unwholesome food.

(f) Milk drawn from cows kept in an unhealthy or unsanitary condition, or from cows affected with any form of disease, or from cows which are supplied with water which is impure or unwholesome.

(g) Milk from which any part of the cream has been removed.

(h) Milk which has been diluted with water or with any other fluid, or to which has been added or into which has been introduced any foreign substances whatever.

(i) Milk drawn from cows, or by milkers that are themselves in a condition of filth or uncleanliness.

(j) Any milk which is shown by analysis to contain any substance of substances of any character whatsoever not natural or normal constituents of milk, or to have been deprived either wholly or in part of any constituent naturally or normally contained in milk.

(k) Milk containing more than 250,000 bacteria to the CC in the Summer, more than 200,000 to the CC in the Winter.

Article 206. **No Garbage, etc. to be Carried in Wagon.**—It shall be unlawful for any person or persons, firm or corporation, to have or carry on any wagon or vehicle upon or from which milk or cream is being brought, carried, stored, deposited, sold, exchanged, delivered, distributed or offered or exposed for sale or distribution as food for any human being, any swill, garbage, refuse, or any decaying or fermenting, putrifying, foul, unwholesome, noxious or filthy matter, or any can receptacle containing any material or substance with which cream or milk might be diluted, adulterated or rendered impure, unwholesome or unhealthy.

Article 207. **Health Officer May Enter Premises, etc.**—In order to carry out the purpose of the provisions of this heading or subject the Health Officer, his officers, agents and employees, shall have the right at any and all times to enter upon or into the premises of any producer or vendor or distributor of milk authorized under the provisions hereof, and any refusal upon the part of such producer, vendor or distributor to allow such entry and such inspection as may be required and directed by the Health Officer, may be punished by the revocation of the permit of such producer, distributor or vendor by the said Health Officer.

Article 208. **Health Officer Shall Examine Dairies.**—It shall be the duty of the Health Officer to cause the dairies and other establishmens from which milk brought into the city is obtained, to be inspected from time to time to satisfy such Health Officer that the provisions and requirements hereof are constantly complied with.

Article 209. **Health Officer Shall Have Access to Wagons,Milk, etc.—May Take Samples, How.—The** Health Officer, his officers, agents and employees shall have the right, and it shall be his duty, to enter and have full access, egress and ingress to all places where milk is stored or kept for sale, and to all wagons, carriages or other vehicles, railroad cars, steamboats or conveyances of every kind used for the conveyance or transportation or delivery of milk, for the purposes of consumption, in this city.

The Health Officer and his agents and employees shall have the right at any time to take a sample of milk from any person, persons or concerns selling or exposing for sale or exchanging or delivering milk in this city, not exceeding, however, one quart thereof, such sample to be taken and sealed in full view and in the presence of the person from whom said sample is taken, and shall then and there furnish to the person from whom such milk is taken one half of such sample, hemetically sealed, and shall retain the sample so taken hermetically sealed. Such sample shall have written thereon the number of the dealer's permit, and the date of the obtainment of the sample, and the name of the person by whom it is taken, and a memorandum thereof shall be made by the person obtaining such sample in a book kept for that purpose in the office of the Health Officer showing the name of the owner or driver from whom and the date the same was taken, and the number of the dealer's permit.

Article 210. **Shall Report to Health Officer, When.** —It shall be the duty of the owner, agent or manager of any dairy in this city or of any dairy from which milk is brought into this City, to forthwith report to said Health Officer, in writing, anything of which he has knowledge or notice tending to render milk obtained from such dairy unwholesome, impure or unhealthy.

Article 211. **Shall Not Interfere With Health Officer.**—It shall be unlawful for any person or persons, firm or corporation to obstruct or interfere with said Health Officer or any officer, agent or employee of said

Health Officer, in the performance of any of the duties herein prescribed.

Article 212. **Does Not Prevent Sale of Condensed Milk, When.**—Nothing herein contained shall be construed to prevent or prohibit the use, sale or manufacture of what is known as condensed milk or what is known as buttermilk or what is known as sour milk, provided the same are made, compounded or prepared from pure, clean, fresh wholesome and unadulterated milk within the meaning of the Articles under this heading, and are in sound and wholesome condition; and provided also, that in the case of condensed milk, the proportion of milk solids shall be equivalent to twelve (12) per centum of milk solids in crude milk, and that of such solids twenty-six and one-half (26 1-2) per centum shall be fat.

Article 213. **Sale of "Skimmed Milk."**—Milk from which cream has been removed may be sold from cans bearing the label "Skimmed Milk" in Roman letters two (2) inches high.

Article 214. **Shall Offer Milk for Inspection.**—It shall be the duty of the owner or consignee of milk brought into the City, by land, over any railroad leading into the city, to cause the same to be tendered and exposed for inspection according to the requirements of said Health Officer, provided that said milk shall not be detained for inspection for a longer time than one hour.

Article 215. **Penalty.**—Any person who shall violate any of the provisions of the foregoing twenty-three (23) Articles shall be deemed guily of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than twenty-five dollars, nor more than two hundred dollars.

Article 216. **Health Officer Includes, What.**—The term Health Officer, whenever used in the foregoing 24 Articles, with reference to inspections, shall be held also to include the inspectors, employees, and agents of the

Health Department of this City, and they shall have the same power with regard to inspections as the Health Officer.

CHAPTER XIII.

CITY SANITARY COMMISSIONER.

Article 217. **Creation of Office of.**—The office of City Sanitary Commissioner is hereby created and the Mayor shall appoint a suitable person to act as City Sanitary Commissioner, which appointment shall be confirmed by the City Council. The said Sanitary Commissioner shall hold his office for a period of time to be determined by the City Council, and he shall be subject to suspension by the Mayor and can be finally removed or discharged by the City Council.

Article 218. **Sanitary Commissioner Under Mayor.** The City Sanitary Commissioner shall be under the general control and direction of the Mayor; he shall before entering on his duties, give bond in the sum of Five Hundred Dollars payable to the City of Beaumont, conditioned that he will faithfully discharge the duties of his office.

Article 219. **Shall Carry Off Slops, etc.**—It shall be the duty of the City Saniary Commissioner whenever requested by any person after the tender of such fees as may be provided by the City Council to remove and carry out of the City, all slops and trash from the premises of any of the inhabitants of the City, when the same is prepared for removal as hereinafter provided.

Article 220. **Definition of "Slops" and "Trash."**—The word "Slops" as used herein shall be taken to mean all refuse matter and articles whether vegetable or animal thrown out of or rejected from the kitchen or houses of the inhabitants of this City. The word "Trash" as used herein shall be taken to mean all sweepings, waste paper, hay, straw, tin cans, boots, shoes, tin or sheet iron, pieces of leather, pieces of old clothing, sacks and rubbish of any kind.

Article 221. **When Slops to be Removed.**—That all slops shall be removed from hotels, regular boarding houses and restaurants, at least once in every forty-eight hours, and from other premises as often as may be necessary to insure the cleanliness and proper sanitary conditions of the premises. All trash shall be removed from business houses in the business portions of the City at least once in every twenty-four hours, and from all other premises as often as may be necessary to insure the cleanliness and the sanitary condition of the premises, provided, that it shall not be a violation of this Article if slops or trash are not removed through the neglect of the City Sanitary Commissioner after he has been requested to remove the same in the manner hereinafter provided.

Article 222. **Depositing of Slops and Trash.**—All slops and trash shall be deposited in suitable vessels of iron or wood and kept in a convenient place, easy of access, upon the premises, but slops and trash shall be kept in separate receptacles, provided that nothing herein shall be deeemed to repeal or change in any manner any ordinance of this City requiring the keeping and maintaining of galvanized iron or tin trash cans in certain portions of this City, and that all of said Articles or ordinances shall be and remain in full force and effect.

Article 223. **Sanitary Commissioner's Office.—Request for Service.**—The City Sanitary Commissioner shall have and keep an office in the same building wherein the Mayor's office may be situated, and any person or persons desiring the services of said Commissioner may obtain the same by leaving a writen request at the said Commissioner's office, giving the name, street and number, and depositing the fee of said Commissioner or by entering into a contract with said Commissioner as hereinafter provided.

Article 224. **Contracts with Sanitary Commissioner.**—Any person or persons may enter into a contract with the City Sanitary Commissioner for the removal of slops

and trash or either from the premises owned or occupied by them, at stated time, and on such terms as the parties may agree upon, provided that said contract shall not provide for fees greater than shall be allowed by the City Council; and if the said Sanitary Commissioner shall during the term of said contract, fail to visit said premises at the time stated in the contract for the removal of slops and trash or either, he shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

Article 225. **Compensation of Commissioner.—Penalty for not Paying.**—As compensation, the City Sanitary Commissioner shall require and receive such sums as the City Council may by resolution determine, said compensation to in all cases be paid by the person or persons employing said Commissioner, and anyone employing said Commissioner and failing o pay him for work done, shall be deemed guily of o misdemeanor, and and punished as hereinafter provided.

Article 226. **Penalty for Failure of Commissioner to Remove Slops.**—If theSanitary Commissioner shall fail to remove and carry off any slops and trash or either within twenty-four hours after having been notified and requested to remove the same as herein provided, he shall be deemed guilty of a misdemeanor and liable to be fined as hereinafter provided.

Article 227. **Sanitary Commissioner to Inspect Premises and Report.**—It shall be the duty of the City Sanitary Commissioner to carefully inspect the premises in this City and call attention of all occupants, tenants or owners to the condition of same, when in his judgment the said premises need cleaning, and for this purpose the said Commissioner is hereby given free access to all premises within the corporate limits of the City while in the discharge of his duty during the day time, and should any occupant, tenant or owner of premises within the corporate limits of this city refuse to permit the said commssioner to enter upon their premises for the purpose of inspecting the same, he shall be deemed guilty

of a misdemeanor and fined as hereinafetr provided; and it is hereby made the duty of said Commissioner to Report to the Mayor the names of the occupants, tenants or owner of any premises in an unsanitary condition, said report to be in writing and delivered at the office of the Mayor and shall contain the names of the occupants, tenants or owners, as the case may be, and the street and number address.

Article 228. **No One but Commissioner to Remove Slops, etc.**—No onebut the said Sanitary Commissioner, or the owner of slops and trash shall remove same from the premises.

Article 229. **Carts for Hauling Slops, etc.**—The said Commissioner shall provide carts for hauling of slops, which carts shall be fitted up with a good and suitable tight box, the sides of which shall not be less than 24 inches high and he tail-board 18 inches high, so that no portion of the said slops shall be scattered upon or thrown into the streets; said boxes shall be closely covered with sufficient covering or closely fitted so as to prevent the escape or flying about of any of the contents or effluvia thereof; and for the hauling of trash shall be provided carts or wagons so arranged as that the trash so hauled will not be scattered in or thrown upon the streets.

Article 230. **Penalty.**—If the Sanitary Commissioner or any other person shall violate any of the provisions of the foregoing 13 Articles, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than One nor more than Twenty-five Dollars.

CHAPTER XIV.

HEALTH INSPECTOR.

Article 231. **Providing for Health Inspector, His Duties.**—The Mayor shall have the power and he is hereby authorized to appoint a suitable person to act as City Health Inspector, who shall hold said office at the pleasure of the Mayor, being subject to suspension or dis-

charge at any time; he shall at all times be under the direction and control of the City Health Officer and the City Scavenger; he shall have the right from 6 o'clock A. M. to 6 P. M., and it shall be his duty to enter upon the premises and the outhouses of any and all persons in this City for the purpose of inspecting the same with reference to the sanitary condition of such premises and to order the removal of any nuisance or any substance likely to create a nuisance, or to be injurious to the public health.

It shall be his duty to carefully inspect the water closets and privies and call the attention of the occupants and owners of such premises to the condition of same when in his judgment they need cleaning. He shall report in writing to the City Scavanger the premises where closets or privies need cleaning; whereupon it shall be the duty of the City Scavanger to notify the occupants and owners of said premises that he is ready to clean the same upon their paying him the prescribed fees for such work, and he shall also notify the City Sanitary Commissioner when there is an accumulation of trash or slop on any premises, whereupon the City Sanitary Commissioner shall notify the occupants and owners of the premises that he is ready to remove the trash and slops upon their payment to him of the proper fee.

He shall generally assist the Health Officer in enforcing the sanitary ordinances of this City and shall if required, make daily reports to the Health Officer of the sanitary conditions of all premises inspected by him, and he shall while on duty wear a badge with the words "City Health Inspector" inscribed thereon.

Article 232. **Compensation of Health Inspector.—Scavenger to Pay.**—The CityHealth Inspector shall receive as full conmpensation for his services, such sum as may be decided upon by the Mayor, which compensation shall be paid by the City Scavenger, and the City of Beaumont shall not be liable for any compensation to the City Health Inspector.

Article 233. **Penalty for Refusing Orders of.**—Any

person who shall refuse to obey the orders of the City Health Inspector respecting the removal of a nuisance or of any substance likely to become a nuisance or to affect the public health, or cleaning the premises, or any occupant or occupants or owners within this City who refuses to permit the City Health Inspector to enter upon their premises for the purpose of inspecting the same shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred dollars.

CHAPTER XV.

CITY SCAVENGER.

Article 234. The Mayor shall, in the manner provided by Section 8 of the Charter, appoint a suitable person to act as City Scavenger, who shall hold his office for a period of two years unless removed by the City Council, and may be suspended for cause by the Mayor and finally discharged by the Council, at any time. The said Scavenger, as such, shall operate within a certain area of said city, prescribed by the Mayor, with consent of the Council, and shall receive for his services such fees and compensation as may from time to time be fixed by the order of the City Council.

Article 235. **Shall be Under the Control of the Mayor and Give Bond.**—The City Scavenger shall be under the general control and direction of the Mayor. He shall give bond in the sum of Five Hundred Dollars, conditioned for the faithful and careful discharge of the duties of his office, and conditioned that he will strictly perform and carry out the terms of his contract with the said City, which contract he shall enter into with the Mayor before he begins the discharge of his duties.

Article 236. **Duty of Scavenger.**—It shallbe the duty of the City Scavenger, under instructions from the Health Officer or Mayor, and in compliance with his contract, and whenever requested by any citizen after the tender of the fees hereinafter fixed by the City Council, to remove night soil from any private or public house or yard of the City of Beaumont, and to sprinkle lime or

other disinfectants in and about the same; said night soil to be carried beyond the city limits and deposited and disinfected at some place at least one-half mile distant from the residence of any citizen, or make such other disposition thereof as the Council may require. It is further ordained that the City Scavenger shall carefully inspect all the water closets and privies upon the premises in the more densely settled parts of town and call the attention of all occupants and owners of such premises to the condition of their said closets and privies when the same, in his judgment, needs cleansing, and offer to cleanse the same upon their paying him the prescribed fees for such work. For this reason said City Scavenger is hereby given free access to all premises within the corporate limits while in the discharge of his duties, and is hereby required, and it is made his special duty to report any person to the Mayor who fails and refuses to permit him to cleanse their said premises and necessary houses.

Article 237. **Parties Refusing Admittance Upon Their Premises of Scavenger.**—Should any occupant of premises within this city refuse to permit the Scavenger to enter upon their said premises, as often as he may see fit, for the purpose of inspecting the same, or as often as may be necessary to cleanse the water closets and privies, shall be guilty of a misdemeanor, and fined as hereinafter prescribed.

Article 238. **Penalty.**—Any person, or persons, within this City, failing or refusing to comply with any of the provisions and requirements contained in any of the articles within this chapter, shall be fined in any sum not exceeding One Hundred Dollars, and should the City Scavenger fail to comply herewith, in addition to such fine, he shall be discharged from the employment of said City as such.

Article 239. **Unlawful for Others to Remove Night Soil.**—It shall be unlawful for any person other than the City Scavenger, or those in his employ, to engage in the removal of night soil in the city, and any person so of-

fending shall be fined not less than One nor more than Fifty Dollars for each offense.

Article 240. **Removal Shall be Between the Hours of 8 O'clock p. m. and 4 O'clock a. m.—Penalties.**—It shall be unlawful for the City Scavenger of the City of Beaumont, or those in his employ to remove or carry away the contents of any privy, vault or water closet, or any receptacle of human excrement, at any time except during the hours embraced between 8 o'clock P. M. and 4 o'clock A. M., provided, however, that in the removal of the contents of any privy, vault or water closet, or any receptacle for human exrement, the City Scavenger or those in his employ shall be required to use odorless, air-tight and sanitary barrels or boxes and proper disinfectants, and for any violation of this Article by the City Scavenger or those in his employ, the City Scavenger shall be fined not less than One nor more than Fifty Dollars.

Article 241. **Fee for Work.**—That said Scavenger shall be allowed to charge the following rates and no more: For each private residence the sum of forty cents for each cleaning, the same to be cleansed at least twice each month.

For each hotel or boarding house the sum of One Dollar for each cleaning, the same to be cleansed at least twice each month; provided however, that the City Council shall have the right by resolution or ordinance at any time to change the rate of charges, to be a larger or lesser sum, and to increase or diminish the number of times each month that such work shall be done.

Article 242. **Penalty for Failure or Refusal to Pay Scavenger.**—Any person who fails or refuses to pay the City Scavenger for the removal of night soil the rate fixed by ordinance or resolution of the City Council shall, upon conviction, be fined not less than One or more than One Hundred Dollars.

Article 243. **Duty of Scavenger to Notify Parties to Have Their Closets Cleansed, Penalties.**—It shall be the

duty of the City Scavenger whenever in his judgment it may be necessary, to notify parties whose closets and privies need cleaning, to have the same cleansed within a certain time, using his discretion as to the limit, and any person who fails or refuses to have same cleansed within twenty-four hours by the Scavenger, or those in his employ, after the expiration of the time given by the City Scavenger in his notice, shall be deemed guilty of committing a nuisance, and shall be fined not less than One Dollar, nor more than One Hundred Dollars, and each day that the closet or privy shall remain uncleaned after the expiration of the time specified in the notice within which to clean same shall be deemed a separate offense and is punishable a ssuch; said fines to be recovered upon a conviction before the Recorder of the City of Beaumont. The above notice to clean may be given by the Health Officer or by the Health Inspector, acting for the City Scavenger, and it is sufficient either that the notice be left at the residence of the person whose closet is to be cleaned, or delivered to him or her in person or be made verbal.

Article 244. **Authority of Scavenger.—The City** Scavenger in all matters pertaining to privies and water closets, shall have and exercise the same powers and duties as are, by the ordinance of said City, conferred upon the City Health Officer of the City, or the Health Inspector, and it shall be the duty of all persons to obey his orders or intsructions in reference therto in the same manner as though such orders or instructions were given by either of said officers; and any person failing or neglecting to do so, shall be liable to fine of not less than One nor more than Ten Dollars.

CHAPTER XVI.

CITY ELECTRICIAN.

Article 245. **Creating Office of.—Qualifications.—** The office of City Electrician of the City of Beaumont is hereby created, such office shall be filled by appointment by the Mayor and confirmed by the City Council. The

City Electrician shall receive as compensation for his services such sum as the City Council may from time to time designate, same may be increased during the tenure of his office but not diminished.

. The City Electrician shall be a person properly qualified for the duties of his office.

Article 246. **Bond of Electrician, Duties.**—The City Electrician shall enter into bond payable to the Mayor of the City of Beaumont, and his successors in office, with two or more good and sufficient sureties or with some bond company as surety, in the sum of $1,000.00; said bond to be approved by the City Council, conditioned that said City Electrician shall pay the City of Beaumont all money collected, for its use and benefit as required by the ordinances of the City of Beaumont, and that he shall perform all duties of the office. It shall be the duty of the City Electrician to see that all the provisions of this ordinance are fully complied with and he shall have charge of the Fire Alarm System of the City of Beaumont, and shall keep such in the highest state of efficiency and whenever necessary he shall make complaint before the proper officer of any violation of this ordinance and he shall perform such other duties as the City Council may require, and he shall make suitable reports each month to the City Council of all work inspected by him, amount collected and such other matters connected with his office as the City Council may require.

Article 247. **Unlawful to Construct Poles or Other Apparatus Except Hereunder.**—No person, firm or corporation shall hereafter erect or construct any pole, pier, abutment or any other necessary fixture, appurtenance, or appliance for electric light power, telephone or telegraph purposes along or across any of the streets, alleys, avenues, highways or elsewhere within the City of Beaumont for electric light or power, telephone or telegraph purposes, or shall hereafter maintain any such poles, piers, abutments, wires or other necessary fixtures, appurtenance, or appliance heretofore erected or construct-

ed within the said City, except in accordance with the provisions of this ordinance.

Article 248. **Must Obtain Consent of Electrician.**—No such person, firm, corporation or company as mentioned in the preceding article hereof shall hereafter erect or construct any pole pier, abutment, wire or other fixture, appurtenance, or appliance such as mentioned in said article without first obtaining the consent of the City Electrician to do so.

Article 249. **Regulations for poles, etc.**—All poles shall be erected and maintained in a perpindicular position and shall be straight and free from bark and placed immediately within the curbing where the sidewalks are eight feet or upwards in width, and shall be placed in the curbing on a line with its outer surface where the sidewalks are less than eight feet in width. When the curbing is not laid, the outer line of the same shall be taken and eight inches within the outer line if the sidewalks are eight feet in width.

Each line of poles shall be run on one side of the street, alley or avenue only, except when absolutely necessary to change to the other side, but this may be done only by permission of the Fire Committee. Cross arms shall be of uniform length, strengthened by braces, and the cross arms of each company shall be branded or stamped with the initials of the company owning the same, and no wires shall be less than twenty feet from the curb in height, except trolley and service wires.

Article 350. **Forbidding Advertising Matter on Poles.**—It shall be unlawful for any person, firm or corporation to place or allow to be placed any advertising cards or posters or other like material on any of their poles within the city limits, and any person, firm or corporation allowing the same to be done shall be guilty of an offense.

Article 251. **Regulations for Cross Wires.**—Whenever it shall become necessary for any electric light or power company to carry its wires across the line of any fire alarm, telegraph, telephone or other electric light

or power company, such wires shall be at a distance from the other wires, of not less than three (3) feet. No wires shall be allowed over the fire alarm and police telegraph wires, unless special permission is given in writing by the City Electrician.

Article 252. **No Wires Allowed Over or Under Sheds, etc., Except.**—No wires of telegraph, telephone, electric railways, electric light or power company, shall be allowed under sheds, galleries or awnings without written notice to the City Electrician.

Article 253. **No Electrical Work Without Permit and Fees Paid.**—No person, firm or corporation shall hereafter commence the construction, installation, repair or alteration of any electrical work, either outside or inside of any building, or any wiring inside or outside any building, without first making application in writing to the City Electrician for a permit for such construction, installation, repair, alteration or wiring, and said application shall contain a description by street and number, or by streets, lots or blocks, as may be necessary to locate the same, and shall be accompanied with the inspection fees required to be paid.

Article 254. **Permit for Electrical Work Issued, When.**—Upon making the application provided for in the preceding article, and the payment of the inspection fees, provided for in this ordinance, the City Electrician shall issue a permit for the construction, installation, repair or alteration of any electrical work, and shall carefully inspect such work previous to, during and after its completion, and if the same shall prove to be constructed in accordance with all the rules and requirements of this ordinance governing the same, and upon the payment of any fees for additional inspection not embraced in the original application, the City Electrician shall issue a certificate approveing the same. The use of any electrical construction, such as provided for in this ordinance is hereby declared to be unlawful previous to the issuing a temporary permit for the use of electric current during the

course of the construction or alteration of a building when in his judgment it is safe to do so, but such temporary permit shall expire when such building is completed.

Article 255. **National Electrical Code Shall Govern.** —No electrical wiring or installation of electrical apparatus or appliances for furnishing lights, heat or power shall be introduced into or placed in any building or structure in the City of Beaumont except in compliance with the rules and regulations of the National Board of Fire Underwriters, known as the "NATIONAL ELECTRICAL CODE" as adopted in 1909 and all amendments and changes or revisions made or that shall hereafter be made to said "National Electrical Code."

Article 256. **Electrician to Keep Copy of Electrical Code.**—The City Electrician shall keep on file in his office at the City Hall a copy of the "NATIONAL ELECTRICAL CODE," the amendments, changes or revisions that may be made to same as provided in the above section and same shall be open to inspection by any person, firm or corporation.

Article 257. **City Electrician, His Powers and Duties.**—The City Electrician shall have power, and it is his duty to inspect or reinspect all overhead, underground and interior wires and apparatus conducting electric current for any of the purposes set forth in this ordinance and when said conductors or apparatus are found to be unsafe to life or property, he shall notify the person, firm, company or corporation owning, using or operating same, to place the same in a safe condition within forty-eight hours, and it shall be their duty to do so.

The City Electrician shall erect in the station of every electric light or power company, at the expense of said company, a suitable tapper, connecting with the fire alarm system of the City, by which shall be indicated the location of all fires, and in the event of a fire in any district in which any company has wires, said company shall forthwith send a man prepared to remove

the wires, under the direction of the City Electrician or the Chief of the Fire Department.

Article 258. **Badges of Linemen and Lampmen.**— Every lineman or lampman shall wear a badge in plain sight, indicating his number and the company by whom he is employed, and in case of fire, this badge shall serve as a pass to admit the wearer inside the fire limits.

Article 259. **City May Adopt Other Rules.** — Nothing contained in this chapter shall be construed as to in any manner affect the right of the City in the future to prescribe any other mode of conducting wires over or under its thoroughfares.

Article 260. **Application for Electrical Permits.**— Any person or persons, corporations or associations desiring to place along or across any of the streets, alleys or public places of the City of Beaumont, wires, tubes or cables, shall file in the office of the City Secretary an application therefor, stating in detail the streets, alleys or public places which said wires, tubes or cables are to occupy, and the manner in which said wires, tubes or cables are to be secured or supported and insulated, together with plat showing the route of such wires, tubes or cables.

Article 261. **Fire Committee May Direct Alterations, Notice.**—The right is hereby reserved to the Fire Committee, at any time, to direct any alteration in the location of poles and also in the height at which the wires shall run; but before any such alteration is made, at least five days notice in writing shall be given the president or local officer of the company affected by the proposed alteration, and reasonable opportunity shall be afforded the representatives of such company or any citizen interested to be heard therein. But when any such alteration shall be ordered, the said company shall, within five days thereafter, commence such alteration and complete the same as soon as practicable thereafter, and upon failure to do so, it shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

Article 262. **Discontinuing Current When Wires are Broken.**—Whenever any wire shall be broken, or be in unsafe condition, it shall be the duty of said owner of such wire, or the president or manager of the company owning or controlling such wire, to immediately cause the same to be repaired and placed in a safe condition.

Article 263. **Electrician to Notify Owner, of Defective Wires, etc.**—Whenever the trolley wire, guard wire, guy wire, or any other wire used in any way for the transmission of electricity shall be poorly or improperly constructed, it shall be the duty of the City Electrician to notify the owner of such wire, or the manager of the company having charge of such wire, to have the same remedied, and it shall be the duty of such manager to put such wire or wires in a safe and proper condition within one day after such notice, and every day that such manager shall fail to have the same remedied after such notice, shall constitute a separate offense.

Article 264. **Electric Companies, etc. to Maintain Lineman.**—It shall be the duty of every electric light company and every electric railway company to maintain at least one lineman, who they can reach within a reasonable length of time from their office in the City of Beaumont, to remedy breaks or poor construction of such wires, and keep their wires at all times in a safe condition.

Article 265. **Testing of Meters, Fees.**—Whenever any person, firm or corporation or association shall desire to have their or its meter tested, and shall deposit with the City Electrician the sum of $1.50, it shall then be the duty of the City Electrician to proceed to test said meter at his earliest convenience, and should said meter, upon such test, be found registering within three (3) per cent correct, then the $1.50 so deposited shall be retained by the City for inspection fee thereof; but if said meter be found to be registering over or under three per cent correct, or the bill upon which the complaint is

based be incorrect, then the $1.50 so deposited, shall be returned to the person, firm or corporation or association who deposited it, and the company owning the meter or furnishing and measuring light and power through the same, shall pay to the City the sum of $1.50.

Article 266. **Schedule of Charges for Electrical Inspection.—**

Concealed Wiring.

1 to 3 outlets	$ .50
4 to 10 outlets	1.00
11 to 15 outlets	1.50
16 to 24 outlets	2.00
25 to 50 outlets	4.00
50 to 100 outlets	6.00
101 outlets and over	10.00

Open Wiring.

1 to 3 lights	$ .50
4 to 10 lights	1.00
11 to 20 lights	1.50
21 to 50 lights	2.25
51 to 100 lights	3.50
100 to 500 lights	5.00
501 lights and over	10.00

Arc Lights

1 to 3 lights	$ .50
4 to 10 lights	1.00
11 to 20 lights	2.00
21 and over	3.00

Fixtures.

1 to 3 lights	$ .25
4 to 10 lights	.50
11 to 20 lights	1.00
21 to 40 lights	1.50
41 to 75 lights	2.50
76 to 150 lights	3.50
151 to 500 lights	5.00
501 lights and over	10.00

Motors.

1-2 to 1 h. p.	$ .25
1 1-2 to 3 h. p.	.50
4 to 10 h. p.	1.00
11 h. p. and over	1.50

Isolated Plants.

Charge according to this schedule and add $1.00 for each dynamo.

Re-Inspections.

When violations are found on first inspection, a fee of 50 per cent additional will be charged for each visit thereafter.

Service Connections.

A charge of 25 cents will be charged for each service connection and shall be collected by the City Electrician and paid into the City Treasury, also the charges for electrical inspection.

Article 267. **Penalties.**—Each violation of the provisions of this chapter shall constitute a misdemeanor and the person, firm or corporation or any employee, agent or member or officer thereof guilty of violating the provisions of this ordinance, on conviction in the corporation court, shall be fined in any sum not less than Five Dollars nor more than One Hundred Dollars for each offense and every violation of and each and every day for failure or refusal to comply with this ordinance shall constitute a separate and distinct offense and in case of wilful and continual violation, of the provisions of this chapter by any person, firm or corporation, as aforesaid, or their employees, servants or officers, the City shall have the right and power to revoke and repeal any franchise or ordinance under which such persons, firms or corporations are operating or may be using, and to revoke and repeal all permits and priveliges granted to said person, firm or corporation as aforesaid.

CHAPTER XVII.

STOCK POLICEMEN.

Article 268. **Appointment of Stock Policemen.**—It shall be the duty of the Mayor to appoint two or more persons to be known as Stock Policemen of the City of Beaumont, whose salaries shall be fixed from time to time by the City Council, who shall serve in the capacity of a regular policeman, and who shall cause all horses, mules, jacks, jennets, cattle, sheep, goats, hogs and geese found running at large in the City limits, prescribed by ordinance, and contrary to the articles of this chapter; and who shall cause all sheep, horses, mules, jacks, jennets, cattle, goats, hogs and geese found running at large within the corporate limits of the City of Beaumont contrary to the articles of this chapter, to be gathered and impounded in the public pound.

And the said stock policemen who shall have impounded the said stock, shall proceed to sell the same at public auction for cash, after first giving three days public notice of the time and place of sale by posting up written or printed notices of such taking and penning and the time, terms and place of sale in two public places within such territory, to-wit: One at the county court house and the other at the Post office, describing the animals impounded; and after deducting all expenses of taking up and keeping such animals or animal impounded, and a fee for each animal so impounded of $1.00, the said Stock Policemen shall pay the residue, if any, to the owner, if known, and if not known, to the City Treasurer, taking a receipt therefor; and shall make a bill of sale for the animal or animals so sold to the purchaser thereof; and the said Stock Policemen shall turn over all fees collected by him, or them, daily, from impounding of all animals of whatsoever kind to the City Treasurer, taking his receipt for same, and making a monthly report to the City Council, of the number of stock impounded or sold, or disposed of by them, giving an accurate description of stock sold or disposed of by them during the month, together with a receipt of the City

Treasurer, attached thereto for all money paid him during the said month.

CHAPTER XVIII.

CITY PURCHASING AGENT.

Article 269. **Creating the Office of City Purchasing Agent.**—That the office of the City Purchasing Agent of the City of Beaumont is hereby created.

Article 270. **Duties of City Purchasing Agent.**—It shall be the duty of said officer to purchase all supplies for said City upon the order of the City Council or an elective or appointive officer of the City. Though said City Purchasing Agent may in his discretion refuse to purchase any supplies for any officer, unless so ordered by the City Council. He shall also keep and store all supplies of every character of said City, and to distribute such supplies to the officer or officers having authority to receive same and take and keep filed receipts for all supplies distributed.

It shall be his further duty to keep a set of books, showing a complete record of all supplies purchased, and from whom purchased and the price and terms on which same are purchased and upon whose order same are purchased, and also a record of all supplies of said City on hand or stored at all times and where and how stored, and also a record of all supplies distributed and to whom distributed and upon whose order distributed. He shall be responsible to said City for all purchases and for distributions of supplies and for all supplies of every character on hand or stored.

Article 271. **City Purchasing Agent Under Control of Council.**—He shall be subject to the direction of the City Council and shall do and perform such other and further services as the City Council may direct.

Article 272. **Manner of Appointment.**—He shall be appointed as other appointive officers are, though the City Council may designate some officer now in the employ of the City to do such work.

Article 273. **Oath and Bond of City Purchasing Agent**...Before entering upon the duties of his office, said City Purchasing Agent shall take and subscribe the oath of office prescribed by the Constitution of the State, and shall also give a bond with two good and sufficient sureties or signed by a surety company, in such amount as the City Council may direct, same to be approved by the City Council, conditioned that he will well and faithfully discharge and perform the duties incumbent upon him as such officer, according to the Constitution and Laws of the Sate of Texas and the Charter and ordinances of the City of Beaumont.

Article 274. **Compensation of City Purchasing Agent.**—He shall receive as full compensation for his services, such amount as the City Council may from time to time fix, not to be diminished during his term of office, but may be increased.

CHAPTER XIX.

BUILDING INSPECTOR.

Article 275. **Creation of Office.—Duties.**—The office of Building Inspector of the City of Beaumont is hereby created. It shall be the duty of said officer to see that all the requirements prescribed by the building ordinances of this city are fully complied with and carried out. He shall be subject to the direction of the City Council and shall do and perform such other and further services as the City Council may direct.

Article 276. **Appointment of Building Inspector.**—He shall be appointed as other appointive officers are, though the City Council may designate some other officer of the City to do such work.

Article 277. **Oath and Bond of.—Compensation.**—Before entering upon the duties of his office the Building Inspector shall take the oath of office prescribed by the Constitution and Laws o fthe Stae of Texas, and shall also give bond with two or more good and sufficient sureties or with some surety bonding company, in such

amount as the City Council may direct, same to be approved by the City Council, conditioned that he will truly and faithfully perform the duties incumbent upon him as such officer, acording to the Constitution and Laws of the State of Texas, and the Charter, Ordinances and Resolutions of the City of Beaumont.

He shall receive as full compensation for his services, such amount as the City Council may prescribe, not to be diminished, but may be increased, during his tenure of office.

CHAPTER XX.

FIRE MARSHAL.

Article 278. **Fire Marshal.—Appointment and Compensation of.**—The office of Fire Marshal is hereby created, such office shall be filled by appointment by the Mayor, by and with the consent of the City Council, within thirty (30) days atter this ordinance shall go into effect and the officer appointed shall hold said office until April 1912, unless he shall sooner be removed. The said Fire Marshal shall be properly qualified for the duties of this office and he shall receive an annual salary, payable in monthly installments of such amount as the City Council shall from time to time designate, same never to be diminished during the tenure of his office but may be increased. The officer appointed in 1912 shall be appointed in the manner prescribed by the City Charter.

Article 279. **Shall Investigate the Origin of Fires.**—The Fire Marshal shall investigate the cause, origin and circumstances of every fire occuring within the City of Beaumont by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four hours, not including Sunday, of the occurrance of such fire. The Fire Marshal shall keep in his office a record of all fires occuring within the city, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be deter-

mined by the investigation required by this ordinance. Such record shall at all times be open to public inspection.

Article 280. **May conduct Examinations Into Causes of Fires.**—The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense or either of them and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Article 281. **May Summon and Compel Attendance of Witnesses.**—The Fire Marshal shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any matter which by the provisions of this ordinance a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The said Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him and false swearing in any matter or proceeding aforesaid shall be perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guil-

ty of a misdemeanor and it shall be the duty of the Fire Marshal to make complaint against said person or persons so refusing to comply with the summons or order of said Fire Marshal in the corporation court in the City of Beaumont, and upon filing such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction of any such person guilty of a violation of the provisions of this ordinance he shall be fined in a sum not less than $5.00 nor more than $100.00. Provided, however, that any person so convicted shall have the right to appeal. All investigations held by or under the direction of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Article 282. **May Enter and Examine Buildings, etc.** —The Fire Marshal shall have the authority at all times of day or night, in the performance of the duties imposed upon him by the provisions of this ordinance, to enter upon and examine any biulding or premises where any fire has occurred, and other buildings and premises adjoining or near the same.

Article 283. **Examinations for Defects, etc.**—The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the City and it shall be his duty, quarterly or more often, to enter upon and make, or cause to to be entered upon and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to

endanger other buildings or property, or so occupied that fire would endanger persons or property therein and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which, in his opinion, may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, that if the said owner or occupant deems himself aggrieved by such order he may within twenty-four (24) hours appeal to the Mayor of the City of Beaumont, such appeal to be written, who shall investigate the cause of the compplaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by such owner or occupant. Any owner or occupant of such buildings or premises failing to comply with the authorities above specified, shall be deemed guilty of a misdemeanor and upon conviction in the corporation court, shall be fined in any sum not less than $5.00 nor more than $100.00, each day's neglect to be a separate and distinct offense.

CHAPTER XXI.

WATER AND GAS METER INSPECTOR.

Article 284. **Creation of Office.**—That the office of Water and Gas Meter Inspector is hereby created.

Article 285. **Duties Of.**—It shall be the duty of said officer to test any meter when requested by any person, firm or corporation, as provided in this Chapter.

Article 286. **Meters Tested, When**—Whenever any person, firm or corporation desires to have their or its meter

tested and shall deposit with the Water and Gas meter Inspector the sum of $2.50, it shall then be the duty of said inspector to proceed to test said meter at his earliest convenience, and should said meter, upon the test, be found registering correctly or too slow, then the $2.50 so deposited shall be retained by said City for the inspection fee thereof; but if said meter should be found to register too fast or the bill incorrect, then the $2.50 so deposited shall be returned to the person, firm or corporation depositing the same, and the company owning the meter or furnishing and measuring gas or water through same, shall pay to the City the sum of $2.50.

Article 287. **Subject to Direction of Council.**—He shall be subject to the direction of the City Council, and shall do and perform such other and further services as the City Council may direc

Article 288. **His Appointment.**—He shall be appointed as other appointive officers are, though the City Council may designate some other officer of the City to do said work.

Article 289. **Oath and Bond.**—Before entering upon the duties of said office, said Inspector shall take the oath of office prescribed by the Constitution and Laws of the State of Texas, and shall also give bond with two or more good and sufficient sureties or with some surety bonding company, in such amount as the City Council may direct, same to be approved by the City Council; conditioned that he will faithfully and truly perform the duties incumbent upon him as such officer according to the Constitution and Laws of the State of Texas, and the Charter, ordinances and resolutions of the City of Beaumont.

Article 290. **Compensation.**—He shall receive such compensation for his services as the City Council may prescribe, not to be diminished during his term of office, but which may be increased.

CHAPTER XXII.

GENERAL DUTIES OF OFFICERS.

Article 291. **Officers Shall Not Leave the City Without Permission**—That any elective officer of the city, except aldermen, who shall leave the city with the intention of residing elsewhere, or be absent for a longer time than one week, without permission of the City Council, or Mayor, shall thereby vacate his office, and the Mayor shall order an election to fill the same, as in case of any other vacancies, unless the absence is occasioned by sickness, or some other good excuse.

Article 292. **Officer Must Have Permission to Absent Himself from City.**—That any officer desiring to be temporarily absent from the city more than one week shall apply to the Mayor or City Council for a leave of absence, which may, in the discretion of the Council, be granted for any time not exceeding thirty days at a time, and when granted shall be filed with the secretary, provided that the City Attorney, Assessor and Collector and Treasurer, may appoint a substitute during their absence and they shall be responsible for the acts of such substitute, and such substitute must be appointed with the consent of the Mayor and City Council, and in the event the Mayor shall at any time absent himself from the city, he shall notify the Mayor pro tem thereof, who during the Mayor's absence shall exercise all his duties and powers.

Article 293. **Retiring Officer Shall Turn Over Books, Papers, etc.**—That every officer shall, upon going out of office, deliver to his successor all books, papers, furniture, and other things appertaining to his office.

Article 294. **Officer Shall Submit His Books, etc., to Inspection.**—That every officer shall at all times, when requested, submit his books and papers to the Mayor or any member of the City Council.

Article 295. All officers shall keep their offices where requested by the City Council.

Article 296. **City Officials Shall Not Deal in City**

Obligations, etc.—No officer of the city, nor deputy, clerk or employee of any such officer, nor any servant or agent of this city, shall, directly or indirectly, himself or by another, for his own or another's benefit, deal in the purchase of city warrants, bonds or other obligations of the city.

Article 297. **Officer Removed for Malfeasance in Office, etc.**—That any officer of this city who shall refuse or wilfully fail or neglect to perform any duty enjoined upon him by law or ordinance, or shall in the discharge of his official duties be guilty of any fraud, extortion or oppression, favoritism or partiality or wilful wrong or injustice, shall be deemed guilty of a misdemeanor, and may be removed from office for malfeasance in office as provided by the laws of this State.

Article 298. **Officers to Report Violations of Law.**—All city officials and employees shall report any violation of the City ordinances coming under their personal observation.

Article 299. **Legal Advice.**—Any officer desiring legal advice with regard to the performance of his official duties shall apply to the City Attorney for same and be guided by his opinion in the matter, unless otherwise ordered by the City Council.

Article 300. **Officers Shall Inventory Property of the City Turned Over to Them when Elected, etc.**—That it shall be the duty of every city officer, or employee, within ten days after he has qualified, or been employed, to make an inventory of all property turned over to him by his predecessor. He shall keep a copy of said inventory and file a copy with the City Secretary, and shall add to both all property coming into his possession. The Chief of Police shall be responsible for all property in connection with the calaboose; the Health Officer for all property of the city coming into his possession. The Street Commissioner, or foreman, shall be responsible for all tools and other property used on the streets and in connection with his employment. Every officer who fails to satisfactorily account for property coming into his

possession, or furnished to his department, shall be responsible to the city for the value thereof. The foreman or Street Commissioner shall see that all tools and appliances for street work when not used, are securely housed in a room to be provided by the city, and which shall be kept locked. Before accepting the final report of any officer, the proper committee shall examine inventory on file.

Whenever the committee on purchase or any committee, furnishes any personal property to any department, it shall be the duty of the secretary to charge it up to the proper officer. The chief and drivers in the Fire Department shall be responsible for all city property coming into their hands, and if they fail to take care of and satisfactorily account for any of such property, they shall be deemed guilty of a misdemeanor and subject to removal from office. Whenever the Mayor issues an order to an officer, he shall obey and report.

CHAPTER XXIII.

FIXING THE SALARIES OF THE OFFICERS OF THE CITY. APRIL, 1910, TO APRIL, 1912.

Article 301. That the salaries and fees of officers to be paid to the respective officials of the City of Beaumont for the term commencing April, 1910, and ending April, 1912, shall be and the same are hereby fixed at the following amounts, until otherwise ordered.

Mayor. The Mayor shall receive a salary of $2400.00 per annum, and shall receive no other fees or perquisites of any kind in addition thereto.

Chief of Police. The Chief of Police shall receive a salary of $2400.00 per annum and no additional fees or perquisites of any kind and all fees heretofore assessed and collected in favor of the Chief of Police shall be assessed and collected for, and on behalf of the city, and shall be paid into the general fund of the City.

Deputy Chief of Police. The Deputy Chief of Police shall receive a salary of $1200.00 per annum, and no ad-

ditional fees or perquisites of any kind in addition thereto.

City Treasurer. The City Treasurer shall receive a salary of $5.00 per annum and no other fees or commissions.

City Secretary. The City Secretary shall receive a salary of $2100.00 per annum, and all other fees or perquisites heretofore taxed and collected in favor of the City Secretary shall hereafter be taxed and collected for and on behalf of the City of Beaumont, and paid into the general fund of said City.

City Attorney. The City Attorney shall receive a salary of $2400.00 dollars per annum, and in addition thereto shall receive the fees in tax suits, as heretofore paid, and as provided by the City Charter and all fees and perquisites heretofore accruing to said officer shall hereafter be paid into the general fund of the City.

Assessor and Collector. The Tax Assessor and Collector shall receive a salary of $2400.00 dollars per annum; and all fees or perquisites heretofore accruing to said officer shall hereafter be paid into the general fund of the City, and said salary shall cover the whole amount to be paid to such officer for his services.

Fire Chief. The Chief of the Fire Department shall receive a salary of $1200.00 per annum, and no other perquisites.

City Scavenger. The City Scavenger shall receive for services rendered to private families the sum of 40 cents for each service, not to exceed two services per month in summer, and not to exceed two per month in winter; for his services to hotels and boarding houses, he shall receive the sum of $1.00 for each service, not to exceed three services per month. By boarding houses as herein used, shall be held to mean any house receiving boarders in excess of three in number, and shall not be construed to mean a private family keeping not less than three boarders in addition to the family.

City Health Officer. The City Health Officer shall receive a salary of $900.00 dollars per annum, and no other perquisites.

City Recorder. The City Recorder shall receive a salary of $75.00 dollars per month, and all fees that may be attached by law in favor of said officer shall hereafter be taxable in favor of the City of Beaumont, and shall be paid into the general fund of the City.

Clerk of the Corporation Court. The Clerk of the Corporation Court shall receive a salary of $1200.00 per annum; provided further that for all other work as specified by the City Council the said Clerk of the Corporation Court shall receive such other compensation as the City Council may allow for his services.

City Engineer and Acting Street Commissioner. The City Engineer and Acting Street Commissioner shall receive a salary of $2400.00 dollars per annum, and no other fees and commissions.

City Aldermen. Each Alderman shall receive Five ($5.00) dollars for each regular meeting, and three ($3.00) dollars for each called meeting.

Where it is provided herein for a salary for any official of this City, the said salary shall be paid in monthly installments at the expiration of each month, in the manner and form provided for by the City Ordinances.

CHAPTER XXIV.

DIVISION OF THE CITY INTO WARDS.

Article 302. The City of Beaumont shall be divided into three (3) wards, and the limits and boundaries of each shall be as follows, to-wit:

First Ward. The First Ward shall embrace all that portion of the city bounded as follows, viz.: Beginning at a point on the Neches River North of the T. & N. O. R. R. where Tevis Street intersects said river; thence West with said Tevis Street to its intersection with Main Street; thence northwesterly with Main Street to Bon-

ham Street; thence west along Bonham Street to its intersection with Liberty Avenue, thence west along Liberty avenue and continuing west to the west boundary line of the city; thence north with the western corporate line of the city to its northwest corner; thence east with the north boundary line of the corporation 5300 feet to stake on Brake's Bayou; thence along Brake's Bayou with its meanderings to the right bank of the Neches River; thence down the right bank of the Neches River to the place of beginning.

Second Ward. The Second Ward shall embrace all that portion of the city bounded as follows: Beginning at a point on the Neches River, where Milam Street, if extended east, would intersect said Neches River; thence in a southeasterly direction along Milam Street to a point if extended west, would intersect west Franklin Street in the Cartwright Addition to the city; thence west with west Franklin Street to the west corporate line of the city; thence north with the west corporate line to its intersection with the southeast corner of First Ward; thence in an easterly direction with the south boundary line of First Ward to the beginning point of said First Ward.

Third Ward. The Third Ward shall embrace all that portion of the city bounded as follows, viz.: Beginning at a point on the right bank of the Neches River, where Carroll Avenue in the Neches River Park Addition intersects said Neches River; thence south along said Carroll Avenue to its terminus, and continuing south 6893 feet from the beginning point of said Ward to a cypress stake on the south boundary line of the David Brown League, and the north boundary line of the J. W. Bullock League, thence west on the south boundary line of said David Brown League of land 12,477 feet to a stake in the center of La Fayette Avenue in the Cartwright Addition to the city of Beaumont, being the southeast corner of the corporation; thence north with the west boundary line of said corporation to a point where west Franklin Street intersects the west corporate line of

said corporation; thence east with the south boundary line of the Second Ward to the place of beginning.

Article 303. **Wards, How Changed.**—The above Wards may, by resolution of two-thirds of the council present, be changed at any time and the city divided into a larger number of wards, not to exceed ten in number.

CHAPTER XXV.

CORPORATION COURT.

Article 304. **Corporation Court Jurisdiction.**—The Corporation Court shall have the jurisdiction within the limits of the City of Beaumont with power to hear and determine all cases of violation of the ordinances of the city.

Article 305. **Corporation Court Open for Business.**—The Corporation Court shall hold no terms and shall be at all times open for the transaction of business.

Article 306. **Rule of Practice.**—The act of Legislature of the State of Texas of March 15, 1899, entitled "An Act to establish and create in each of the cities, towns and villages of this State, a state court, to be known as the corporation court, in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish Municipal Courts," shall govern the procedure and practice of the corporation court in the City of Beaumont, and the City Council may prescribe such additional rules of practice and procedure as may not be inconsistent with the law creating the corporation court, or in conflict with the general laws of the State.

Article 307. **May be Held by Mayor or Mayor Pro Tem.**—In the absence, sickness, or inability of the Recorder to hold his court, the court may be held by the Mayor or Mayor pro tem, who shall have the same jurisdiction, powers and authority as the Recorder.

Article 308. **Form of Accusation.**—All prosecutions in the Corporation Court shall be conducted in the name

of the State of Texas, and shall conclude "Against the peace and dignity of the State," and when the offense is covered by an ordinance, the complaint may also conclude "and contrary to the Ordinances of the City of Beaumont, Texas."

Article 309. **Penalty.**—The violation of either of the two next preceding articles shall be deemed a malfeasance, and for such violation the Recorder of the Corporation Court shall be liable to impeachment.

Article 310. **Pleas Only Accepted in Open Court.**—All cases coming before said corporation court shall be tried and disposed of in open court, and no plea of guilty shall be accepted except by the judge of the corporation court and all pleas must be made to said judge of the corporation court by offender or their legal representatives.

Article 311. **Time of Opening the Recorder's Court.**—Corporation Court shall open at eight (8) o'clock A. M. and remain open until all business is disposed of, but shall hold no terms and shall be at all times open for the transaction of business.

Article 312. **Recorder, Appointed.**—At a regular meeting of the City Council after each general election of the city, there shall be appointed by the council, upon nomination being made by the Mayor of said city, a recorder of the corporation court of the City of Beaumont, Texas, who shall hold his office for two years and until his successor shall have been appointed and qualified, unless sooner removed by the City Council; that before entering upon the discharge of his duties as such Recorder, he shall take the oath prescribed by the Constitution of the State of Texas and shall enter into bond in the sum of one thousand dollars, payable to the Mayor of the City of Beaumont and to his successor in office, conditioned for the faithful discharge of all official duties as such recorder; that such recorder shall be the chief judicial officer of the City of Beaumont, and shall preside over the corporation court and shall have power to issue all writs and process necessary to enforce the

judgments and decrees of such court and shall have all powers, privileges and duties conferred upon him by the act of the Legislature hereinbefore referred to.

Article 313. **Clerk Appointed.—His Compensation and Office Hours.**—At a regular meeting of the City Council, after each general city election, there shall be appointed by the City Council, upon the nomination being made by the Mayor of said city, a clerk of the corporation court in the City of Beaumont, Texas, who shall hold his office for two years, and until his successor shall have been appointed and confirmed and has qualified, unless sooner removed by the City Council; that before entering upon the discharge of the duties of such office, the said clerk shall take and subscribe the oath prescribed by the Constitution of the State of Texas, and shall enter into bond, with good and sufficient sureties, payable to the Mayor of the City of Beaumont, and his successors in office, in the sum of one thousand dollars, conditioned that he shall faithfully discharge all official duties as clerk of said court; that said clerk shall have the custody of the seal of said court, and all papers, books and documents belonging or pertaining to said court, and shall perform such duties and have such rights, powers and privileges and be under obligations as set forth in the act of Legislature hereinbefore referred to, or may have been heretofore or as may hereafter be prescribed by the City Council; that said clerk as compensation for his services shall receive such amount as may be fixed by the City Council, to be paid him at the end of each month's services, in the same manner as the salaries of other officers of the city are paid; provided, that the office hours of said clerk be from 8 A. M. to 12 M., and from 2 P. M. to 5 P. M., Sundays and legal holidays excepted.

Article 314. **Seal of Court.**—The Mayor of the City of Beaumont is hereby authorized and directed to procure a seal for said Corporation Court, and to have the same engraved with a star of five points in the center thereof, and have engraved on said seal the words "Corporation Court in Beaumont, Texas."

Article 315. **Costs to be Taxed.**—There shall be taxed against each defendant convicted in said Court the same amount of costs as the General Laws of the State of Texas provide now, shall be taxed against persons convicted of misdemeanor in the courts of the Justice of the Peace.

Article 316. **Jurors.**—Jurors in the Corporation Court who serve in the trial of cases before said court shall receive fifty cents in each case they may sit as jurors, and the amount due jurors shall be paid by the City Treasurer upon the certificate of the clerk of the court, which certificate shall state the service, by whom rendered, when rendered and the amount due therefor.

Article 317. **Costs and Fines to be Paid the Chief of Police.**—All costs and fines shall be paid to the Chief of Police, who shall have custody of defendant until fines and costs are paid, or to some officer designated by him to receive the same, and the Chief of Police shall turn over each day all the costs and fines collected to the City Treasurer, taking his receipt therefor, and shall each month make a report to the City Council, showing the style and number of each case committed to him, and the amount of fine and costs collected by him in each case; and where the fine and costs are not paid by the defendant, then to state what disposition was made of the defendant in each case.

Article 318. **Duties of the Clerk.**—The Clerk of said Court shall docket each case and perform such duties as are prescribed for him to do by the laws governing said corporation court.

Article 319. **To Make Out Monthly Report.**—The Clerk of said court shall make out a report on the first of each and every month, under oath, showing the style, number and disposition of each case tried in said court during each month, and shall also show the amount of fine and costs in each case, and how the same has been satisfied, and file said report with the City Secretary.

Article 320. **Rules of Procedure for the Corporation court.**

(a) **Proceedings, How Commenced.**—All proceedings shall be commenced by filing a complaint, duly sworn to, before any person authorized by law to administer oaths, and filed with the clerk of the corporation court.

(b) **Shall be in the Name of the State.**—The complaint shall state the name of the person charged with an offense, or if the name cannot be obtained, then a description of the person, as near as may be, the nature of the offense, and the time and place where the offense was committed.

(c) **Warrant Shall be Issued.**—If the defendant be not in the custody of an officer or other person authorized to make an arrest, a warrant shall be issued by the clerk, directed to the Chief of Police, or any policeman of the City of Beaumont, commanding said Chief of Police or policeman to forthwith arrest the person named or described therein and bring him forthwith before the recorder of the corporation court for a hearing upon said complaint.

(d) **Complaint to be Read to Defendant.**—The complaint shall be read to the defendant, who shall plead thereto, and the plea entered upon his docket by the clerk of the corporation court.

(e) **Plea of Guilty.**—If the person charged with an offense plead guilty before the corporation court, the Clerk of the Corporation Court shall thereupon enter the plea on his docket and the recorder shall assess such fine and costs as may be authorized by law, or by the ordinances of the City of Beaumont.

(f) **Plea of Not Guilty.**—If a plea of not guilty be entered to the complaint, a trial shall be had, either by the court or by a jury, as the defendant may elect.

(g) **Continuances.**—Continuances shall be granted by the court, upon the same terms and in accordance

with the procedure now provided by law for continuances in Justices of the Peace Courts in misdemeanors.

(h) **Judgment.**—Judgment shall be rendered in the corporation court, for dismissal or for fine and costs, as the facts may appear.

(i) **Appeal.**—Unless the judgment be appealed from, and an appeal bond approved and filed it shall be the duty of the clerk of the court, and he is hereby required to forthwith issue a commitment, directed to the Chief of Police or any policeman of the City of Beaumont, to commit the defendant to jail until the full amount of the fine and costs be paid, or until the defendant be discharged according to law.

(j) **Payment of Fine and Casts.**—Upon payment of fine and costs, or upon the discharge of the defendant under the commitment it shall be the duty of the Chief of Police to return the commitment to the clerk of the corporation court, with the amount of fine and costs paid to the Chief of Police, or any policeman, endorsed thereon.

(k) **Shall Discharge Defendant.**—If no fine or costs have been paid by the defendant, the Chief of Police shall, upon the discharge of the defendant from custody, return the commitment to the clerk of the corporation court, with his endorsement thereon, showing the length of time the defendant was detained in custody, and the reason for his discharge.

(l) **No Reduction in Fine and Costs After Report.**—Hereafter there shall be no reduction of the fine and costs, or any part of the fine and costs, by the Recorder of the Corporation Court after the daily report of docketed complaints has been made and transmitted by the clerk of the court to the city auditor or city secretary, and all such fines and costs shall be paid in full to the clerk of the corporation court, except as hereinafter provided, as follows:

1. (a) **New Trial.**—The Corporation Court may,

for a good cause, shown on motion in writing and filed with the clerk of the court, and service of said notice upon the city attorney, by copy or by acceptance, endorsed on said notice, grant the defendant a new trial, whenever he shall consider that justice has not been done the defendant in the trial of such case.

(b) **Application.**—An application for a new trial must be made within two days after the rendition of judgment, and not afterward, and the execution of such judgment shall be stayed until after the motion for a new trial has been heard and granted.

2. **Appeal.**—The execution of the judgment shall not be stayed until after the appeal bond has been approved and filed.

(m) In all cases mentioned in Article 349, Subdivision "1," of this chapter, the Recorder of the corporation court may, in all cases where he has reason to believe that an unjust or an excessive fine has been imposed, recommend to the Mayor in writing, upon a blank to be prepared for that purpose, that the fine or the fines and costs imposed, or any part thereof be remitted, and the Mayor may, in his discretion, approve such recommendation, modify or disapprove of the same in whole or in part, and the action of the Mayor shall be transmitted to the clerk of the corporation court, to be entered upon the corporation court docket by the clerk, and thereupon said clerk shall issue an order to the Chief of Police in accordance therewith, and said recommendation of the recorder of the corporation court, ,with the approval of the Mayor endorsed thereon, shall be attached to and made a part of the order issued to the Chief of Police by said clerk.

Article 321. **Clerk to Keep Docket.**—The clerk of the corporation court shall keep a docket, to be known as the "Corporation Court Docket," in which shall be entered: 1. The number of the case. 2. Date of filing. 3. The name of the complainant. 4. Name of the defendant. 5. Nature of the offense. 6. Plea of the defendant. 7. Continuances. 8. Judgment of the court.

9. Amount of fine. 10. Amount of costs. 11. Total fines and costs. 12. Amount paid by defendant. 13. Amount for which defendant was committed. 14. Amount remitted. 15. Date released. 16. Appeal; (a) Date of filing appeal bond; (b) Final disposition. 17. Remarks.

Article 322. **City Attorney Not to Nolle Prosequi.**—The City Attorney shall not nolle prosequi a case unless he shall file a written statement with the clerk of the corporation court, setting out his reasons for such dismissal, which reasons shall be incorporated in the judgment of the dismissal, and no case shall be dismissed without the permission of the Recorder of the Corporation Court, who shall be satisfied that the reasons so stated are good and sufficient to authorize such dismissal.

Article 323. The failure upon the part of the Judge of the Corporation Court, or the clerk of the corporation court, to comply with the provisions of this chapter shall be cause for removal and impeachment of said officers, or either of them.

Article 324. **No One in Employ of City to Represent Violators of City Ordinance.**—It shall be unlawful for any person who receives a salary from the City of Beaumont to be in any way, directly or indirectly, interested in the defense of any person charged with the violation of any ordinance of the City of Beaumont, or of any of the criminal laws of the State of Texas, except so far as it may be necessary to give evidence in behalf of persons so charged with violating any of said ordinances, or any of said criminal laws.

Article 325. That the provisions in regard to judgments, executions and the collection of fines, as prescribed by the Code of Criminal Procedure shall apply to the judgments, executions and collections of fines in the corporation court, the recorder having in regard to such matters all the powers of the Justice of Peace.

Article 326. That the different provisions, rights,

powers and modes of procedure recited in the law passed by the Twenty-Sixth Legislature of the State of Texas, entitled "An Act to establish and create in each of the cities, towns and villages of this State, a State court, to be known as the corporation court in said city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish Municipal Courts," are hereby adopted, so far as applicable, and are to be enforced and applied in the administration of the corporation court of the City of Beaumont.

CHAPTER XXVI.

FIRE DEPARTMENT.

Article 327. **Officers Of, Duties Defined.**—The Fire Department of the City of Beaumont shall consist of such fire companies as shall be recognized by the City Council of the City of Beaumont, and it shall be a full paid fire department, the expenses of same to be paid out of the city treasury, as other items of expense are paid.

The Fire Department shall have for its officers one chief of the Fire Department and one assistant chief, who at fires shall be ex-officio Chief of Police of the city, and shall have police powers at all fires. They shall upon appointment, receive certificates in the following words: "This certifies that A. B. is elected Chief (or assistant) Chief of the Fire Department of the City of Beaumont, and is entitled to all the powers belonging to said office," to be signed by the Mayor of the City of Beaumont.

It shall be the Chief's and Assistant Chief's duty, whenever a fire shall break out in the city, to repair immediately to the place of such fire, and carry with them suitable badge of office, and take proper measures that the engines and other apparatus be arranged in the most advantageous manner, and only worked for the effectual extinguishment of fires. They are empowered to call for aid, if needed, from all persons present at fires to assist in extinguishing the same, or to remove furniture, goods or merchandise from the building on

fire or in danger of fire, to act as guards to secure the same, and also to assist in pulling down or demolishing any building where required.

The Chief of the Fire Department shall be the medium of communication between the City Council and the Fire Department. He shall recommend to the Mayor such persons as may be necessary and who shall be deemed fit, under physical examination, for employment in the department, and such persons being nominated by the Mayor and confirmed by the majority vote of the council, shall be employed under contract for wages made by the Chief of the Fire Department and approved by the Mayor and Fire Committee.

Article 328. **Chief of the Fire Department Shall Have Sole Command at Fires.**—The Chief of the Fire Department shall have the sole command at fires over all members of the Fire Department, and all other persons who may be present, and shall take proper measures for the extinguishing of fires, protection of property, preservation of order, and observance of the laws, ordinances and regulations respecting fires; and it shall be the duty of the Chief of the Fire Department to examine into the conditions of engines and other fire apparatus of the engine and other houses belonging to the city and used for the purposes of the Fire Department, as often as circumstances may render it expedient, or whenever required to do so by the Fire Committee or the City Council, and annually to report the same to the council; also to cause a full description of the same to be published annually, if the Fire Committee shall direct. It shall be, moreover, the duty of the Chief of the Fire Department to receive and transmit to the council all returns made of apparatus belonging to the department, and all other communications relative to the affairs of the Fire Department; to report to the council all fires which may happen in the city, with causes thereof, and number and descriptions of the buildings destroyed, with the names of the owners and occupants and an estimate of the losses by the same.

Article 329. **All Fire Department Property Under Control of Fire Chief.**—All public property of the city, used for the extinguishing of fires, shall be under the exclusive control of the Fire Chief and no fire engine or apparatus belonging thereto shall be moved from their engine houses, except in cases of fire, or alarms of fire, or weekly drills without his express permission or orders from the Mayor or Fire Committee of the City Council.

Article 330. **Right to Inspect Houses Being Erected.**—The Chief of the Fire Department and Assistant Chief shall have the right to examine all houses erected, or at any time being erected, in which fire is used and to report condition of the same.

Article 331. **Fire Alarm Boxes and Public Cisterns Under Charge of Chief of the Fire Department.**—Such fire alarm boxes as may be established by order of the City Council, including the system now in use, shall be placed under the control of the Chief of the Fire Department, who may alter the fire wards and assign fire companies to such wards as he may deem proper.

Article 332. **Public Fire Hydrants to be Inspected Once Each Month.**—It shall be the duty of the Chief of the Fire Department to inspect as often as once in each month all the public hydrants in the City of Beaumont for the purpose of ascertaining whether or not the same are in proper condition and it shall be his duty to file a report each month with the City Secretary, which shall be read at a meeting of the City Council, showing the results of his inspection. It shall also be his duty to ascertain by experiment as often as once in each month, whether or not the Beaumont Water Company is in condition to comply with the sixth clause of its contract with the City of Beaumont, the contract herein referred to being of date, May 7th, 1904, and his monthly report shall show the result of such experiment.

Article 333. **Assistant Chief to Aid Chief of Fire Department.**—The Assistant Chief or Acting Chief will

at all times aid the Chief of the Fire Department in the discharge of his duty, but shall exercise no authority whatever infringing his powers. At fires he shall carry his orders to the foreman of companies, and shall ascertain where water can be obtained, and shall report the same to the Chief or Acting Chief in command.

Article 334. **To be Stationed at House of Respective Company.**—The engineers, drivers and other employployees in each fire company shall be stationed at the house of their respective companies, and shall always be on duty. They shall keep the apparatus in good order and always ready for service.

Article 335. **Mayor and Fire Committee to Have Charge Of.**—The Mayor and Fire Committee of the City Council shall at all times have supervision over all the affairs of the Fire Department and over all the public property used in the service of the Department, and the Fire Committee shall report from time to time to the Mayor and the City Council upon the efficiency and inefficiency of its officers and members.

Article 336. **Other Duties of the Chief of the Fire Department and Assistant Chief, Method and Time of Electing and Term of Service.**—The Chief of the Fire Department and Assistant Chief shall be elected by majority vote of the City Council, on nomination by the Mayor, the first election to take place as provided by Section 8, of the Charter, and such officers and those now holding said offices shall serve until their successors are chosen and qualified, unless sooner removed for cause by vote of two-thirds of all the aldermen elected.

The Chief of the Fire Department and the Assistant Chief shall be liable to be removed from office or suspended for a designated period during their term of service by a sustained impeachment before the City Council, two-thirds of all the aldermen elected voting to sustain the charge. They may be impeached for incompetency, habitual neglect of duty, or bribery. All charges against the Chief of the Fire Department or the Assistant Chief must be made in writing and presented to the

Fire Committee of the council, and due notice given to the accused.

Before entering upon the duties of their respective offices, the Chief of the Fire Department and the Assistant Chief shall make the following oath before the Mayor: "I, ..., do solemnly swear that I will faithfully observe the laws of the State of Texas and the ordinances of the City of Beaumont, and to the best of my ability perform the duties of my office."

If a vacancy occurs in any of the offices, it shall be the duty of the Mayor to nominate a suitable person for confirmation as in the manner aforementioned, to fill such vacancy or vacancies within such time as he may deem desirable after such vacancy may occur.

All persons at a fire shall give aid in suppressing it when called upon to do so by the Mayor, Chief of Police, or any officer of the department; and any one refusing or neglecting to render such assistance shall, upon conviction thereof before the recorder, be fined not more than Twenty-five Dollars.

To prevent the spread of fire, the Fire Chief may order any building or fence to be blown up or otherwise removed.

The Assistant Chief shall convey the orders of the Chief to the officers of the different companies, and aid in the execution of them, and perform all other duties which he may require of him; and in the absence of the Fire Chief, the Assistant shall have the authority and perform the duties of Fire Chief.

It shall be the duty of the Fire Chief to visit and inspect buildings in process of construction within the corporate limits of the city. He shall thoroughly inspect and report to the Mayor the cause and origin of all fires occurring within the corporate limits of the city.

He shall be required, and for this purpose is hereby authorized to visit and enter all buildings within the corporate limits of the City of Beaumont to ascertain the

arrangement and condition of the flues, stove pipes and apparatus for heating used in said buildings. He shall, at the request of any citizen occupying any house within the corporate limits of the city, visit and inspect their flues, chimneys, stove pipes and other apparatus for heating used in said building, and recommend such alterations as he may deem necessary.

Article 337. **Injuring Fire Apparatus.**—Any person who shall interfere with or cut, or injure any of the boxes, wires or poles, or any of the appurtenances thereto, of the electric alarm system of the City of Beaumont, shall be fined not less than ten nor more than one hundred dollars.

Article 338. **Driving Over Fire Hose.**—Any person who unlawfully, wilfully or maliciously drives or causes to be driven, any vehicle over or across any hose used for conducting water from any fire engine, fire plug or hydrant, may be fined not more than one hundred dollars.

Article 339. **False Alarm of Fire.**—If any person shall falsely or maliciously by any means whatsoever, give an alarm of fire when there is no fire, he shall be deemed guilty of an offense, and upon conviction thereof, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

Article 340. **Vehicles of Fire Department to Have Right of Way.**—Vehicles and apparatus of the Fire Department of the City of Beaumont, shall have the right of way in and upon all streets and avenues of said city over all other vehicles of every kind and character, as well as persons on bicycles and horses and the sounding of the bell or gong thereon, as well as the bell from the fire alarm apparatus, shall constitute a warning to the persons hereinafter named to clear the streets and avenues and do things hereinafter required. That the ordinance limiting the speed of vehicles shall not be deemed to apply to the vehicles above named.

Article 341. **Street Cars to Stop as Near Center of**

Block.—That every motorman operating a street car within the said city of Beaumont, upon the sounding of the fire alarm, or the ringing of the bell or sounding of the gong on any vehicle or apparatus of the Fire Department of said city, shall stop as near to the center of the block as it is possible whenever any engine, cart, wagon or other vehicle or apparatus of the said Fire Department of the City of Beaumont is about to cross the tracks on which the cars he is operating is running, and shall so remain standing until such engines, carts, wagon or other vehicle or apparatus has passed.

Article 342. **Drivers of Carriages, etc.—To Drive as Near the Curb as Possible.**—Every driver of any and every kind of carriage, wagon, or other vehicle drawn by animals, or operator of any kind of motor vehicle, or the rider of any horse or bicycle, within the said City of Beaumont, upon the sounding of the bell from the fire alarm apparatus or the ringing of the bell or sounding of the gong on any wagon, or apparatus of said Fire Department, shall drive as near the curb as possible, and at least ten feet from the corner of the street, and stop, whenever any engine, cart, wagon, or other vehicle or other apparatus of said Fire Department is about to cross or travel along the street or avenue upon which said vehicle is standing or being driven, and shall so remain standing until such engine, cart, wagon, or other vehicle or apparatus has passed.

Article 343. **Pedestrians to Get on Sidewalks.**—That each and every pedestrian within the said City of Beaumont, upon the said sounding of the bell from the fire alarm apparatus, or the ringing of the bell or sounding of the gong on any vehicle or apparatus of the Fire Department, shall get upon the sidewalk and there remain until said engine, cart, wagon or other vehicle or apparatus has passed.

Article 344. **Penalty.**—That the failure of any person named herein to comply with the provisions of the last preceding four articles, or any part of same, shall constitute an offense, and upon conviction such person

shall be fined in any sum not less than ten dollars and not more than one hundred dollars.

CHAPTER XXVII.

PUBLIC PARKS.

Article 345. **Authorizing City to Own and Operate Public Parks.**—That the city may purchase, acquire construct and maintain, and operate and own any number of public parks, for the benefit of its citizens, either inside or outside of the city of Beaumont, as provided by Section 45, Number 4 of its City Charter.

Article 346. **Prohibiting Sale or Offering for Sale of Merchandise in Public Parks.**—That it shall be unlawful for any person or persons, firm, partnership, corporation or corporations, his, its, or their agents or employees under any name or style whatsoever to barter,sell, expose or offer for sale any goods, wares or merchandise of any kind whatsoever in any public park belonging to the City of Beaumont, and particularly in Keith Park in said City, said Keith Park being bounded by Pearl Street on the west, Main Street on the east, Forsythe Street on the north and Wall Street on the south.

Article 347. **Penalty.**—Any person or persons, firm, partnership, corporation or corporations, his, its or their agents or employees, under any style of name whatsoever, violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the corporation court of the City of Beaumont, shall be fined not less than one nor more than ten dollars and each sale shall be deemed a separate offense, and further, that if no sales are made, each day or part of day that any goods, wares or merchandise are exposed or offered for sale shall constitute a separate offense.

Article 348. **Prohibiting Bicycle Riding, Pulling Flowers, or Injury to Trees, etc.—Throwing, Hitching Horses, etc.—in Public Parks.**—That it shall be a penal offense and all persons are forbidden to ride on a bicycle in or through any public park, or on any of the walks

thereof; or to pull the flowers or in any manner to injure or deface the plants, trees or other property connected with or belonging to the said parks; or to throw sticks, stones or other articles or obstructions in the basin in any park or to hitch horses to the trees of said parks or the guards on the outer walks thereof.

Article 349. **Penalty.**—Any person violating the provisions of this ordinance shall be punishable by a fine of not less than five dollars and not exceeding two hundred dollars.

CHAPTER XXVIII.

CITY FINANCES.

Aricle 350. **Shall Procure Set of Books.**—It is hereby made the duty of the City Secretary or the Purchasing Agent, to procure, at the expense of the city, and keep a set of well bound books, and enter, or cause to be entered therein a full, complete and orderly statement of accounts of the finances of the city.

Article 351. **Shall Keep an Account With Officers.**—The City Secretary shall open and keep therein accounts with every officer of the city, or person who is now or may hereafter be authorized or required by law to receive or collect and disburse or dispose of any money or other property or effects of the city, and shall keep such other accounts as may be required by law, or necessary to carry out the provisions of this ordinance.

Article 352. **Books Indexed.**—The said accounts shall be kept regular in bookkeepers style, and properly indexed for convenient reference.

Article 353. **The Collector Retiring From Office Shall Take a Receipt for Rolls Separately. Amount Due, etc.**—Whenever a collector shall go out of office, he shall deliver to his successor the tax rolls in his possession, and shall receive from him a receipt in writing for such rolls, stating the amount due to each fund, and for each year separately, also the amount due on the indigent and

delinquent lists, which receipt he shall deliver to the City Secretary in settlement of his accounts with the incoming Collector.

Article 354. **City Treasurer Shall Register Claims and Pay No Unregistered Claims.**—The City Treasurer shall keep a well bound book, in which he shall register all valid claims against the city, when presented to him for registration, and no claim, or any part thereof, against the city shall be paid by said Treasurer nor shall the same or any part thereof be received by any officer in payment of any indebtedness to the city, until it has been duly registered in accordance with the provisions of this ordinance.

Article 355. **Claims Registered, and When Audited in Three Classes.**—Claims against the city shall be registered and numbered and when audited and approved, in three classes, separately, as follows:

1. Scrip and liabilities accruing on account of public schools.

2. All scrip and liabilities accruing on account of roads, streets and bridges.

3. All scrip and liabilities accruing on account of any other matters of city government, and this shall be denominated "General Indebtedness."

Article 356. **Claims, How Registered.**—Each claim shall be registered in its appropriate class, stating the name of the payee, the amount, date of the registration, the number of the claim, in the order of its registration, and by what authority, and the purposes of service for which same was issued. The Treasurer shall write on the face of each claim registered its number and date of registration, and sign the same officially.

Article 357. **Claims, How Numbered.**—Claims shall be numbered of each class, in order presented, and if more than one claim be presented at one and the same time, they shall be numbered in order of their dates.

Article 358. **Claims, How Paid Off.**—The Treasurer

shall pay off the claims in each class in order of their registration.

Article 359. **Funds, Classed How.**—The funds received by the Treasurer shall be classed as follows:

1. Public school fund, No. 1, from the State; No. 2, from the county; No. 3, from the city, to be kept separately.

2. Street, road and bridge fund, constituted of funds received under provision of the street, road and bridge law, or under any appropriations made by the City Council for improvement of streets, roads and bridges.

3. General fund, embracing all funds arising and accruing in any other manner, and for any other purpose and not made special.

Article 360. **City Council May Cause Other Accounts to be Kept, etc.**—The City Council may cause other accounts to be kept, and create other classes of funds, as it may deem proper, and require the scrip to be issued against the same, registered accordingly, and may transfer the money on hand from one fund to another, as in its judgment is necessary and just to claimants; provided, that no fund shall be transferred from the public school fund, or first-class to any other fund, except by ordinance or resolution of said Council, entered on its minutes, and then only when authorized by law.

Article 361. **Scrip Must be Indorsed When Transferred.**—No scrip or evidence of city indebtedness shall be paid to, or received from any person other than the original payee thereof, unless it shall have been transferred by the payee, by indorsement in blank, or otherwise, in writing, to the holder, or party presenting the same, or proof to be made before the City Council, to its satisfaction, of the transfer thereof to the party presenting the same, and his right to receive payment thereof, or unless it be established that he is entitled to have payment of the same by judgment of a court of competent jurisdiction.

Article 362. **Chief of Police and Collector Shall Make Report.**—The Chief of Police and the City Collector and Assessor of Taxes shall make reports monthly of monies and funds of every character collected by him, or them for the city, and pay the same over as provided by these ordinances, prescribing what property is subject to taxation, and the manner or rendering, assessing and collecting the same, as also all road taxes, occupation taxes, etc., and shall, after each monthly report has been examined and approved by the City Council, be charged and credited accordingly, so that strict and proper debits and credits may be kept with said Chief of Police and Collector of all monies received and paid out.

Article 363. **Treasurer Must Receive and Pay Out, Keep Correct Accounts, Assist in Suits For, etc.**—The Treasurer shall receive, pay out, and apply the city's monies as required by law, and in such manner as the City Council may require and direct, and keep a just, true and correct account of all receipts and disbursements of all funds which shall come into his hands, and direct the institution of suits and prosecutions, according to law, for the recovery of all debts that may be due the city, and superintend the collection thereof; provided that this is not intended to conflict with the duties of other officers as provided for elsewhere in these ordinances, and no suit shall be instituted or prosecuted, or proceeding had in the name of the city without the consent of the City Council.

(EXTRACTS FROM STATE LAWS.)

Section 34. The City Council of every city of the State of Texas incorporated under the general laws thereof or incorporated under special Charter, at its first regular meeting after this Act shall take effect, and its regular meeting in July of each year thereafter, is authorized to receive sealed proposals for the custody of the city funds from any banking corporation, association or individual banker doing business within the city that may desire to be selected as the depository of the

funds of the city. The school funds, from whatever source derived, of incorporated cities is a part of the city funds and is subject to the provisions of this act.

Notice that such bids will be received shall be published by the City Secretary not less than one nor more than four weeks before such meeting in some newspaper published in the city. Any banking corporation, association or individual banker doing business in the city, desiring to bid, shall deliver to the said City Secretary on or before the day of such meeting, designated by said published notice, a sealed proposal stating the rate per cent upon daily balances that said banking corporation, association or individual banker offers to pay to the ctiy for the privilege of being made the depository of the funds of the city for the year next following the date of such meeting; or in the event that said election shall be made for a less term than one year, as hereinafter provided, then for the time between the date of bid and the next regular time for the selection of a depository as aforesaid. All such proposals shall be securely kept by the Secretary, and shall not be opened until the meeting of the council for the purpose of passing upon same; nor shall any other proposals be received after they shall have been opened. It shall be a misdemeanor for the City Secretary or other person to open any of said proposals or to disclose directly or indirectly the amount of such bid to any person or persons before the selection of such depository, and upon conviction, he shall be fined in a sum of not less than ten nor more than One Hundred Dollars.

From the Laws of 1907 — Page 132. — Section 1. As Amended.) (Sec. 35. Upon the opening of the sealed proposals submitted, the City Council shall select as a depository of the funds of the city the banking corporation, association or individual banker offering to pay the city the largest amount for such privileges; provided, however, the council shall have the right to reject any and all bids, and readvertise for new proposals. Within five days after the selection of such depository it shall be the duty of the banking corporation, associa-

tion or individual banker so selected to execute a bond, payable to the city, to be approved by the Mayor with the concurrence of the City Council and filed with the City Secretary, with not less than three solvent sureties, who shall own unencumbered real estate in the county in which said city is located, of as great value as the amount of said bond, or said depository may make said bond in some approved fidelity and surety company, the penalty of said bond to be at least double the total resources of the city for the preceding fiscal year, and conditioned for the faithful performance of all duties and obligations devolving by law or ordinances upon said depository, and for the payment on the presentation of all checks drawn upon said depository by the City Treasurer, whenever any funds shall be in said depository applicable to the payment of said check, and that all funds of the city shall be faithfully kept by said depository, and with the interest thereon accounted for according to law; and for a breach of said bond, the city may maintain an action in its name.

Section 36. As soon as said bond shall be given and approved, an order shall be made by the council designating said banking corporation, association, or individual banker as the depository of the funds of the city until the time fixed by this Act for another selection and such order shall be entered upon the minutes. It shall be the duty of the City Treasurer immediately upon making of said order to transfer to said depository all funds in his hands belonging to the city and immediately upon the receipt of any money thereafter he shall deposit the same with the said depository to the credit of the city, and for each and every failure to make such deposit, the treasurer and his bondsmen shall be liable to said depository for ten per cent per month upon the amount not so deposited, to be recovered by civil action in any court of competent jurisdiction. If any banking corporation, association, or individual banker, after having been selected as such depository, shall fail to give bond within the time provided by this Act, then the selection of such banking corporation, association, or in-

dividual banker as the depository of the city funds shall be set aside and be null and void, and the City Council shall, after notice published in the manner hereinafter provided, proceed to receive new bids and select other depository.

Section 37. It shall be the duty of the City Treasurer upon presentation to him of any warrant drawn by the proper authority, if there shall be money enough in the depository belonging to the fund upon which said warrant is drawn and out of which the same is payable, to draw his check as the City Treasurer upon the city depository in favor of the legal holder of said warrant, and take up said warrant and charge the same to the fund upon which it is drawn; but in no case shall the City Treasurer draw any check upon any fund in the city depository unless there is sufficient money belonging to the fund upon which said warrant is drawn to pay the same. No money belonging to the city shall be paid out of the city depository except upon the checks of the City Treasurer; and all such checks shall be payable by said depository at its place of business in the city. In case any bonds or coupons or other indebtedness of the city are payable, by the terms of such bonds, coupons or other indebtedness, at any particular place other than the City Treasury, nothing herein contained shall prevent the City Council from causing the Treasurer to withdraw from the depository and to place at the place where such bonds, coupons or other indebtedness shall be payable at the time of their maturity, a sufficient sum to meet the same.

Section 38. If, for any reason, no selection of a depository is made at the time fixed by this Act, the City Council may at any subsequent meeting, after notice published as hereinbefore provided, receive bids and select a depository in the manner herein set out, and the banking corporation, association or individual banker so selected shall remain the depository until the next regular term for the selection of a depository, unless the order selecting it be revoked for the causes specified in this Act. If the City Council shall at any time deem it

necessary for the protection of the city, it may, by resolution, require the depository to execute a new bond and upon failure to do so, within five days after the service of a copy of the resolution on said depository, the City Council may proceed to select another depository in the manner hereinbefore provided. The City Treasurer shall not be responsible for any loss of the city funds through negligence, failure or wrongful act of such depository, but nothing in this Act shall release said Treasurer from responsibility for any loss resulting from an official misconduct on his part or from responsibility for the funds of the city at any time when, for any reason, there shall be no city depository, or until a depository shall be selected and the funds deposited therein, or for any misappropriation of such funds in any manner by him.

Section 39. No check shall be drawn upon the city depository by the Treasurer except upon a warrant signed by the Mayor and attested by the secretary. No warrant shall be drawn by the Mayor and Secretary upon any of the special funds created for the purpose of paying the bonded indebtedness of said city in the hands of the City Treasurer, or in the depository, for any purpose whatsoever other than to pay the principal or interest of said special fund, or for the purpose of investing said special fund according to law. No City Treasurer shall pay off, or issue a check, to pay any money out of the special fund created for the purpose of paying any bonded indebtedness of said city other than for the purpose to pay interest due on said bond, the principal of said bonds or for the purpose of making an investment of said fund according to law. Any Mayor who shall draw a warrant against a special fund as above defined for any other purpose than above specified, or any City Treasurer who shall pay, or issue a check to pay a warrant drawn on the special fund of any city other than for the legal purposes of paying interest due on said bonds, the principal of said bonds, or for investing said sinking fund according to law, shall be guilty of felony, and upon conviction shall be confined in the penitentiary for any

term not less than one year nor more than five years. The Treasurer shall report to the council, on or before its first regular meeting of July in each year, the amount of receipts and expenditures of the treasury, the amount of money on hand in each fund, the amount of bonds falling due for the redemption of which provision must be made; also the amount of interest to be paid during the next fiscal year, and such other reports as existing law requires of him.

Section 40. All provisions of this Act shall apply to towns and villages incorporated under the General Laws of Texas, as well as cities so incorporated, and the term "City Council" as herein used shall be construed to include the Board of Aldermen of such towns or villages; the terms "City Secretary" and "Secretary" shall be construed to include the clerk or secretary of such town and village; the term "City Treasurer" shall be construed to include the Treasurer of such towns and villages, and the term "City" shall be construed to include towns and villages.)

(From the Laws of 1905, pages 396-397 and 398. Sections 35-36-37-38-39 and 40.)

Article 364. **City Treasurer Shall Render Report of Receipts and Disbursements, Which Shall Show, What Shall Exhibit, Books, Assist in Suits for, Accounts, Vouchers, etc.**—The City Treasurer shall render a detailed report of all monies received and disbursed by him, and of all proceedings in his office, or by him in behalf of the city, to the City Council, filing the same with the Secretary ending with the last day of the last month before each regular monthly meeting of the Council, and shall make such reports in such manner as that the state of each fund will be exhibited separately, and that each receipt and disbursement may be placed and identified and properly charged and credited to the various officers and persons who received and disbursed the same; and shall exhibit to the Council at every such meeting, and at such other times as he shall be required by the City Council, or its Finance Committee, all his

books, accounts and vouchers, to be inspected, audited or allowed by the Council, or its Finance Committee, as the case may be, and shall make such other reports as required by the Charter or Ordinances, or by the City Council; and for the failing or refusing of the City Treasurer to make such reports or exhibits, as required by this ordinance, he shall, on trial and conviction before the Mayor's court, be punished by a fine of not less than five ($5.00) Dollars, nor more than One Hundred ($100.00) Dollars.

Article 365. **Treasurer Shall Not Pay Out Money, Except, When.**—The City Treasurer shall not pay out any money out of the city treasury except in pursuance of authority of the City Council and a certificate or warrant signed by the Mayor, attested by the City Secretary and properly numbered and registered, and showing the fund out of which the same is required to be paid, unless otherwise specially directed by the City Council. No warrant shall bear any interest.

Article 366. **City Council Shall, at First Regular Meeting, Examine Reports.**—The City Council shall, at the first regular meeting in each month, examine all reports relating to the finances of the city, compare them with the vouchers accompanying them, cause such corrections of the reports and accounts as are necessary and proper to be made, and cause all orders and resolutions of the Council thereon to be properly entered upon the minutes of the Council and noted on accounts and reports.

Article 367. **Reports and Vouchers Filed.**—All reports and vouchers shall be filed and carefully preserved in the office of the City Secretary, and briefly noted, when approved, in the city ledger.

Article 368. **All Reports Sworn To.**—All reports of the city officers shall be sworn to by them before some officer authorized to administer oaths.

Article 369. **Must be Filed on or Before the First Regular Meeting of the Month.**—All reports required of

the city officers shall be filed on or before the first regular meeting of the Council after the month for which they were made.

Article 370. **Claims and Vouchers to be Cancelled Before Filed for Preservation.**—When claims against the city are properly paid off or received by the Treasurer, and accompanying his reports as vouchers, and such report and vouchers are approved, such claims or evidence of indebtedness of the city before being filed for preservation shall be cancelled by the City Council and under its direction in open session by causing the word "Cancelled" with the date thereof, to be written or stamped on the face thereof, and attested by the Secretary, or his official signature.

Article 371. **Treasurer Shall Pay Certificates.**—The Treasurer shall pay such certificates of indebtedness as directed by the Ordinances and resolutions of the City Council, in order of their dates, out of the particular funds to which they appertain.

Article 372. **Method of Accounting and Making Reports.**—That on and after April 1st, 1910, the books and accounts of all public records and documents and methods of transacting public business of the City of Beaumont shall conform to the plan of accounting, and the auditing to the plan of transacting business embraced in the following;

CLASSIFICATIONS.

The classification of revenue and all accounts and records in connection therewith, shall be as follows:

ASSETS AND LIABILITIES.

ASSETS.

Active.

Cash in Bank.
Cash on Hand.
Taxes—Current.
Taxes—Arrears.
Advances—Public work in progress.

Advances—Local improvements in progress.
Other advances.

RESERVE SINKING FUND.

FIXED.

General.
Land.
City Hall Buildings.
Other Buildings.
City Hall F. & F.

Police Department.
Land.
Buildings.
Equipment.
Live Stock.

Fire Department.
Land.
Buildings.
Equipment.
Live Stock.
Fire Alarm System.

Health Department.
Land.
Building.
Equipment.

Public Parks.
Land.
Furniture and Fixtures.

Public Markets.
Land.
Buildings.
Fixtures.

Street and Bridge Department.
Buildings.
Public Works Equipment.
Live Stock.

School.

Equipment.

PASSIVE.

Street and Bridge Department.

Pavements.
Bridges.
Sidewalks.
Sewers.
Wharves.

LIABILITIES.

Bonded.

Bonds.

Floating.

Interest coupons due and unpaid.
Bills payable.
Accounts payable.
Warrants due and unpaid.
Other indebtedness.

Capital.

Surplus of assets over liabilities.

REVENUE AND EXPENSES.

REVENUES.

Ordinary.

Taxes.
Licenses.
Corporation Court fines.
Pound fees and costs.
Dog tax.
Market fees.
Rents.
Permits.
Interest on deposits.

Extraordinary.

Sale of bonds.

Loans—Current.
Sinking fund.
Sinking fund interest.
Other sources.

EXPENSES.

Ordinary.

General Government.
Tax collection department.
Corporation Court.
Police department.
Fire department.
Health department.
Public parks.
Public pound.
Public market.
Street and Bridge department.
City engineering department.
Charities.
Contingencies.
Interest.
Other sources.

Extraordinary.

Loans—Current.
Bonds.
Interest coupons.
Public works in progress.
Local improvements in progress.
Other sources.

ACTIVE ASSETS

Comprise cash on hand and in banks, taxes, current and arrears outstanding; rents, advances on account of permanent public works or local improvements, and other miscellaneous items.

RESERVE ASSETS

Include sinking funds on general or local improvement accounts and other special trust funds.

FIXED ASSETS

Include all permanent investments as City Hall and furniture; Fire Halls and equipment; Police Buildings and equipment; Markets; School buildings and equipment; Public Works equipment; Public Parks; Hospitals, Real Estate and other investments of like nature.

PASSIVE ASSETS

Include Pavements, Sidewalks, Bridges, Sewers, Wharves, Local Improvements, etc. These represent investments, which, while somewhat permanent in character, are intended to be written off as the bonds issued to cover the cost thereof are redeemed, the life of the work and of the bonds intended to be concurrent on this class is also included the item of local improvements of an amount equal to the bonded indebtedness outstanding on that account, an annual reduction being made equivalent to the yearly redemption of bonds.

BONDED LIABILITIES

Include General Bonds and certificates of indebtedness.

FLOATING LIABILITIES

Include bonds and certificates of indebtedness due and unpaid; interest coupons due and unpaid, current loans and accounts payable.

CAPITAL LIABILITY

Represents simply the surplus of Assets over Liabilities.

REVENUES.

The municipal revenues for each year consist of amounts due by levy or otherwise from all sources,

to the corporation, although these may not necessarily be collected within the period. Taxes, Licenses, Fines, Fees, Rents and permits, Interest on Deposits form the ordinary source of revenue. The extraordinary revenues are derived from sale of Bonds, temporary loans, sale of public property, franchises and the like.

EXPENSES

Include the cost incurred in the conduct and maintenance of municipal government otherwise called "Operating Expenses." To present a true statement, all the accounts for debts contracted within the year should, at the close of the fiscal period, be passed by the council, and, if immediate payment is not possible, be carried to the credit of the individual and charged to the proper accounts of expense. These debits, being then recorded as ledger liabilities, will appear in your balance sheet as such, and the expenditures of the year will present a true statement of the condition of affairs.

CLASSIFICATION OF CONSTRUCTION ACCOUNTS.

GENERAL.

1. LAND

Includes the present value of all lands, etc. The cost of all improvements of a permanent nature belonging to this account must also be charged to it.

2. CITY HALL BUILDING

Includes the present value of the City Hall Building and the cost of all future improvements of a permanent nature.

3. OTHER BUILDINGS

Includes the present value of all buildings of a general nature and the costs of all the permanent improvements thereto.

4. CITY HALL, FURNITURE & FIXTURES

Includes the present value of Vaults, Safe, Furniture, Typewriters, Adding Machines, Binders and all Fixtures used, in the City Hall offices and council chamber and future additions.

POLICE DEPARTMENT.

1. LAND

Includes the present value of all lands in this department and the cost of all future improvements of a permanent nature.

2. BUILDINGS

Includes the present value of Jail, Lock-ups, Stables and other buildings of the Police Department, and all future improvements of a permanent nature.

3. EQUIPMENT

Includes the present value of patrol and other wagons, harness, tools, furniture, fixtures, uniforms, badges, etc., and the cost of future additions.

4. LIVE STOCK

Includes the present value of all live stock in the Police Department and the cost of subsequent additions.

FIRE DEPARTMENT.

1. LAND

Includes the present value of all lands in this department and cost of all future improvements of a permanent nature.

2. BUILDINGS

Include the present value of main Fire Station, sub-stations and all other buildings of this department, and the cost of subsequent additions thereto.

3. EQUIPMENT

Includes the permanent value of engines, trucks, Hose, Harness, Tools, Furniture, Fixtures, Bedding, Uniforms, etc., and the cost of future additions thereto.

4. LIVE STOCK

Includes the present value of all Live Stock in the Fire Department and cost of subsequent additions thereto.

5. FIRE ALARM SYSTEM

Includes the present value of the Fire Alarm System and the cost of the subsequent additions thereto.

HEALTH DEPARTMENT.

1. LAND

Includes the present value of all lands in this Department and the cost of future improvements of a permanent nature.

2. BUILDINGS

Includes the one-half present value of Isolation Hospital and the cost of subsequent additions thereto chargeable to the city.

3. EQUIPMENT

Includes the present value of all furniture, Fixtures, and appliances used in the Isolation Hospital and the cost of subsequent additions thereto.

PUBLIC PARKS.

1. LAND

Includes the present value of all lands used for public parks and pleasure grounds, and the cost of subsequent improvements of a permanent nature.

2. FURNITURE AND FIXTURES

Includes the present value of all park fountains,

benches, ornaments, railings and the like, and all subsequent additions thereto.

PUBLIC POUNDS.

1.

Includes the present value of land, buildings and equipments owned by the city, and subsequent additions thereto.

PUBLIC MARKETS.

1. LAND

Includes the present value of site upon which is built the Market, and the cost of all subsequent land purchased for the Market Purposes and permanent improvements thereon.

2. BUILDINGS

Includes the present value of Market Buildings and the cost of all future additions thereto.

3. FIXTURES

Includes the present value of all Market House fixtures and the cost of all future additions thereto.

STREET AND BRIDGE DEPARTMENT.

1. BUILDINGS

Includes the present value of tool houses, Stables and all other buildings of this department and cost of the subsequent additions thereto.

2. PUBLIC WORKS EQUIPMENT

Includes the present value of Rollers, Road Machines, Sweepers, Sprinklers, Carts, Wagons, Tools, etc., owned by this department and the cost of subsequent additions thereto.

3. LIVE STOCK

Includes the present value of all live stock owned

by this department and the cost of all subsequent additions thereto.

4. PAVEMENTS

Includes the present value of all pavement and the cost of subsequent additions thereto, all based on the city's actual expenditure.

5. SIDEWALKS

Includes the present value of all sidewalks and the cost of the subsequent additions thereto, all based on the city's actual expenditure.

6. BRIDGES

Includes the present value of all bridges and the cost of subsequent additions thereto.

7. SEWERS

Includes the present value of the sewerage system and the cost of subsequent additions thereto.

8. WHARVES

Includes the present value of all wharves and the cost of subsequent additions thereto.

CITY ENGINEERING DEPARTMENT.

1. EQUIPMENT

Includes the present value of instruments, furniture and fixtures for this department and the cost of subsequent additions thereto.

SCHOOL DEPARTMENT.

1. EQUIPMENT

Includes the present value of school furniture, fixtures, appliances, etc., and all subsequent additions thereto.

CLASSIFICATION AND DISTRIBUTION OF EXPENSE ACCOUNTS GENERAL GOVERNMENT.

Under this head charge all those items which cannot properly be charged to a department.

1. SALARIES

   Includes salaries of Mayor, Councilmen, City Secretary, Assistant City Secretary, City Treasurer, Janitor City Hall, and such general officers and clerks who might be added.

2. PRINTING AND STATIONERY

   Includes all these items.

3. OFFICE EXPENSE AND SUPPLIES

   Includes general supplies and expenses for the office.

4. POSTAGE, TELEPHONE AND TELEGRAMS

   Includes all these items.

5. LITIGATION

   Includes part of City Attorney's salary and all litigation expenses of a general character.

6. ASSESSMENT EXPENSE

   Includes salary of Assessor and cost of all Stationery, Supplies and expenses for the Assessor's office.

7. INSURANCE

   Includes Insurance on city hall and other property of a general character.

8. MAINTENANCE OF CITY HALL

   Includes all labor and material used for repairs to City Hall.

9. MAINTENANCE OF MARKET

   Includes cost of wages, supplies, insurance, etc., necessary for the maintenance of the Market.

10. ELECTIONS

    Includes per diem of Commissioners, Clerks, Cost of Ballots and all other election expenses.

11. CHARITIES

Includes all cash donations and expenses incurred for charitable purposes.

15. INCIDENTALS

Includes all items of expense which cannot be otherwise classified.

PUBLIC PARKS.

1. SALARIES

Includes all salaries paid in this department.

2. OTHER EXPENSES

Includes all other expenses.

TAX COLLECTION DEPARTMENT.

1. SALARIES

Includes salary of Tax Collector and any clerks that might be added.

2. STATIONERY AND PRINTING

Includes all these items for this department.

3. OFFICE EXPENSES AND SUPPLIES

Includes all items of expense and supplies in the office.

4. LITIGATION

Includes portion of City Attorney's salary and other litigation expenses of this department.

5. TAX REFUNDS

Includes all taxes refunded.

9. INCIDENTALS

Includes all items of expense which cannot be otherwise classified.

CORPORATION COURT.

1. SALARIES

Includes the salaries of City Judge, Clerk of the Court, Court Officers and portion of City Attorney's salary.

2. OTHER EXPENSES

Includes the cost of stationery, printing, supplies and all expenses of this department.

POLICE DEPARTMENT.

1. SALARIES

Includes salaries of Chief of Police, Patrolmen, Extra Police, Detectives and other salaried officers and clerks.

2. OFFICE EXPENSES AND SUPPLIES

Includes the cost of all stationery, printing, postage, supplies, ice, telephone and telegrams and other expenses of the office.

4. STABLE EXPENSE

Includes the wages of stable keeper, services of Veternarian, horse-shoeing, cost of feed, sundry supplies for stable.

8. LIVE STOCK REPLACEMENT

Includes the cost of all live stock bought to replace dead or sold stock.

5. JAIL EXPENSE

Includes salary of Jailer, services of Jail Physician, cost of feeding prisoners not subject to street work and sundry supplies.

6. MAINTENANCE OF BUILDINGS

Includes cost of labor, material and supplies used for repairs to the jail, lock-ups, stable and all buildings of this department.

7. MAINTENANCE OF EQUIPMENT

Includes cost of labor, material and supplies used for repair to equipment.

3. LIGHT, WATER AND FUEL

Includes cost of all lighting, fuel and water rental for the department.

12. INCIDENTALS

Includes all items of expense which cannot otherwise be classified.

FIRE DEPARTMENT.

1. SALARIES

Includes salaries of chief, Assistant and Firemen.

2. OFFICE EXPENSE AND SUPPLIES

Includes the cost of all stationery, printing, postage, ice, supplies, telephone and telegrams, and other expenses of the office.

4. STABLE EXPENSES

Includes wages of stable keeper, service of veternarian, Horse Shoeing, cost of feed, and sundry supplies for the stable.

7. LIVE STOCK REPLACEMENT

Includes the cost of all live stock bought to replace dead or sold stock.

6. MAINTENANCE OF EQUIPMENT.

Includes cost of labor, material and supplies used for repairs to Equipment.

5. MAINTENANCE OF BUILDINGS

Includes cost of labor, material and supplies used for repairs to all buildings of this department.

8. FIRE ALARM SYSTEM

Includes total cost of operation and maintenance of the system.

3. LIGHT, WATER AND FUEL.

Includes the cost of all lighting, fuel and water rental for this department.

12. INCIDENTALS

Includes all items of expense which cannot be otherwise classified.

HEALTH DEPARTMENT.

1. SALARIES

   Includes salaries of President of Board of Health, Chemists, Inspectors and other officers and clerks.

2. ISOLATION HOSPITAL OPERATION

   Includes all wages and cost of supplies necessary for the operation of Isolation Hospital.

3. ISOLATION HOSPITAL MAINTENANCE

   Includes all wages and cost of material for repairs and renewals of buildings, furniture and fixtures.

4. DRUGS AND APPLIANCES

   Includes the cost of all drugs, chemicals, appliances, etc.

5. SANITATION

   Includes salaries of Sanitary Inspectors and cost of disinfecting and supplies for sanitary purposes.

8. INCIDENTALS

   Includes all items of expense which cannot be otherwise classified.

PUBLIC POUND.

1. SALARIES

   Includes salaries of Pound Keeper and assistants.

2. OTHER EXPENSES

   Includes all other expenses necessary for the operation and maintenance of Pound Pens.

STREET AND BRIDGE DEPARTMENT.

1. SALARIES

   Includes salaries of Street Commissioner and other salaried officers and clerks in this department.

4. FEEDING PRISONERS

   Includes the cost of feeding all prisoners working in this department.

7. CLEANING STREETS

Includes all expenses incidental to cleaning of streets.

5. STABLE EXPENSES

Includes wages of Stable keeper, service of Veternarian, Horse-shoeing, cost of feed and sundry supplies for the stable.

12. LIVE STOCK REPLACEMENT

Includes the cost of all Live Stock bought to replace dead or sold stock.

10. MAINTENANCE OF BUILDINGS

Includes the cost of all labor, material and supplies used to repair stable, tool house and other buildings of this department.

11. MAINTENANCE OF EQUIPMENT

Includes cost of labor, material and supplies used for repairs to public works equipment.

13. MAINTENANCE OF STREETS

Includes the cost of labor, material and supplies used for repairs of streets.

14. MAINTENANCE OF SIDEWALKS

Includes cost of labor, material and supplies for repairs of Sidewalks.

15. MAINTENANCE OF BRIDGES

Includes cost of labor, material and supplies used for repairs to bridges.

16. MAINTENANCE OF SEWERS

Includes cost of labor, material and supplies used for repairs for sewers.

17. MAINTENANCE OF CATCH BASINS AND MANHOLES

Includes cost of labor, material and supplies used for repairs to catch basins and manholes.

8. CLEANING SEWERS

Includes all expenses incidental to the cleaning of Sewers.

18. MAINTENANCE OF WHARVES

Includes cost of labor, material and supplies used for repairs to Wharves.

9. GARBAGE COLLECTION AND DISPOSAL

Includes all expenses incidental to the collection and disposal of garbage.

2. PRINTING AND STATIONERY

Includes all printing and stationery for this department.

3. OFFICE EXPENSE AND SUPPLIES

Includes all items of expense and supplies for the office including postage, telephone and telegrams for general purposes.

6. STREET LIGHTING

Includes cost of arc and other lights used for lighting streets.

23. INCIDENTALS

Includes all items of expense which cannot be otherwise classified.

CITY ENGINEERING DEPARTMENT.

1. SALARIES

Includes salaries of city engineer and assistants.

2. OFFICE EXPENSE

Includes the cost of all stationery, printing, postage, supplies and expenses of the office.

3. SUPPLIES

Includes the cost of all supplies for this department.

6. INCIDENTALS

Includes all items of expense which cannot be otherwise classified.

INTEREST.

Bond.
Bank Loans.
Bills Payable.

CONTINGENCIES.

1.

These include those disbursements through the Contingent Fund, all of same applying to one or other departments of the city.

BOOKS AND FORMS NECESSARY FOR THE PROPER APPLICATION OF THE ACCOUNTING SYSTEM.

OFFICE OF TAX COLLECTOR.

1—Assessment Roll.
2—Ad Valorem Tax Receipt.
3—Occupation Tax Receipt.
4—Cash Book.
5—Real Record of Delinquent Taxes.
6—Personal Record of Delinquent Taxes.
7—Record of Errors and Corrections in Tax Roll.
8—Requisition.
9—Treasurer's Receipt.
10—Occupation Tax Register.
11—Monthly Report.

OFFICE OF CHIEF OF POLICE.

12—Docket Register.
13—Jail Record.
14—County Prisoners.
17—Treasurer's Receipt.
15—Cash Book.
24—Board Bill.
19—Defendant's Receipt.
20—Release Order.
21—Recorder's Discharge Order.
22—Advice of Escape.
23—Jail Physician Certificate.

16—Dog Tax Record.
25—Monthly Report.

OFFICE OF CLERK OF COURT.

26—Docket Distribution.
27—Record of Appealed Cases.

OFFICE OF STREET COMMISSIONER.

30—Prisoner's Time Book.
31—Time Book.
32—Payroll.
33—Distribution of Payroll.
36—Distribution of Material and Supplies.
38—Receipt.
34—Requisition.
37—Treasurer's Receipt.
35—Cash Book.
39—Monthly Report.

OFFICE OF FIRE CHIEF.

40—Pay Roll.
41—Requisition.

OFFICE OF CITY SECRETARY.

45—Warrant Register General Fund.
46—Warrant Register Street and Bridge Fund.
47—Warrant Register Contingent Fund.
48—Warrant Register Bond Funds.
50—Journal Voucher.
51—Purchase Order.
52—Reconcilement Record.
52—Treasurer's Receipt.
56—File for Paid Coupons.
58—Monthly Statement.

Article 373. **Reports.**—All departments, officers and persons are hereby required to make their reports and accounts conform to all classifications enumerated in the foregoing article, and to use the books and forms prescribed therein and recommended by Hart, Bienvenu & Daspit, Public Accountants, all such reports to be in

duplicate, the duplicate to remain with officer and person making same.

Article 374. **Accounting System Adopted.**—That the system of accounting and auditing prepared by Hart, Bienvenu & Daspit, certified public accountants, as hereinbefore referred to and partially shown, be and the same is hereby adopted and made the official accounting and auditing system of the City of Beaumont.

Article 375. **Depositing Monies of City.**—That whenever any money belonging to the City of Beaumont, or any particular fund thereof, if collected or received by any officer or person whomsoever, whether such officer or person so collecting or receiving same be authorized to collect or receive same or not, such money shall be by such officer or person, deposited in the city depository, or paid over to the Treasurer of Beaumont, within 24 hours after such money is so collected or received. Failure of such officer or person so collecting or receiving such money to deposit the same in the city depository of Beaumont, or to pay same over to the Treasurer of Beaumont within twenty-four hours after so collecting or receiving same as herein provided, shall constitute an offense, and upon conviction thereof shall subject such offender to a fine of not less than Ten Dollars nor more than Two Hundred Dollars; and each twenty-four hours or fractional part thereof that such officer or person so fails to deposit or pay over such money as herein required, shall constitute a separate offense hereunder and subject the offender to a separate penalty.

Article 376. **Credits to Officers by Secretary.**—That it shall be unlawful for the secretary to allow or give on the books of the city, or of his office or otherwise, any credit whatever, to any officer, agent or employee of the City of Beaumont, or to any other person, firm or corporation transacting any business with or performing any service for said city, unless such officer, or other person, shows or exhibits to him a right to such credit by (a) a duly and properly executed receipt from the Treasurer of the City of Beaumont for the amount there

of, or (b) a proper voucher properly executed or issued under authority and by virtue of the accounting system prepared for the City of Beaumont by Hart, Bienvenu & Daspit, certified public accountants, or (c) such amount being allowed as such credit by the City Council of the City of Beaumont. Should the city secretary of the said city violate any of the provisions hereof, or allow or give credit in any amount to any such officer, agent or employee of said city, or to any other person, firm or corporation transacting any business with, or performing any service for said city except as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars nor more than Two Hundred Dollars, and each item of credit so allowed, in violation hereof, shall constitute a separate offense.

CHAPTER XXIX.
PUBLIC SCHOOLS.

Article 377. The Public Free Schools of this city shall be governed by the Mayor and eight citizens of the city, six of whom shall be men and qualified voters of said city and two of whom may be women, who shall be appointed and shall qualify and hold their respective appointments in the manner provided by Section 9 of the Charter of the City of Beaumont, who shall constitute the Board of Public Free School Trustees of said city, and who shall serve without compensation.

Article 378. **Officers of Said Board.**—The Mayor shall be ex-officio chairman of said board, and the city treasurer shall be the treasurer of the school fund, and the bond of said treasurer shall be as hereinbefore provided for, and said board shall elect its own secretary and allow him such compensation as they may deem adequate.

Article 379. **Powers of Said Board.**—Said board shall pass all regulations and rules of order as shall be necessary for the government of the Public Free Schools of the city, and shall have the management and control

of all teachers employed in said schools and pupils attending same, and of all property belonging to the schools and of the disbursements of the funds belonging to the schools.

Article 380. **Levying Special School Tax.**—It shall be the duty of the City Council each year, at the time said council levies and assesses the rate of taxation for the city, to levy and assess and order collected for each year, a special school tax of not exceeding twenty-five cents on each one hundred dollars of property made taxable by law, which tax, when collected, shall become a part of the general school fund of the city, and shall be used for no other purpose than for the maintenance of the Public Free Schools of the city and incidental repairs of the buildings and grounds of the schools, and provided further, that a failure of the City Council to levy and assess said tax at said time during the year, shall and assess the same at any time during the year, shall in no manner prevent the collection of the same by the collector of taxes, who in the collection thereof, shall base the same upon the rate of taxation for the preced ing year or years.

CHAPTER XXX.
TAXATION.

Article 381. **Taxes to be Levied.**—It shall be the duty of the City Council at the first regular meeting in May of each year to levy the rate of taxation for the current year, and shall at the same time levy an occupation tax on each occupation made taxable by law, witihn the city of an amount not exceeding one-half the amount levied by the State, and may also levy a poll tax; provided, however, that a failure to levy said taxes at such meeting shall not prevent the same from being levied at some subsequent meeting of the council; and provided further, that should the council fail or neglect to pass a tax ordinance for any one year levying the taxes for that year, that the tax ordinance last passed will continue in force, and the failure to pass such ordinance shall in no wise invalidate the collection of taxes.

Article 382. Section 1. **Inventory and Appraisement of Property for Taxation.**—As soon as practicable after the first day of January in each and every year, it shall be the duty of the Assessor and Collector of Taxes to prepare a list in which he shall write in separate columns and in alphabetical order, the names of all persons owning property on said first day of January, subject for taxation within the corporate limits of the City of Beaumont.

Sec. 2. It shall be the duty of the Assessor and Collector, or his authorized deputy, between the first day of January and the first day of June of each and every year, between the hours of 9 A.M. and 12 M. and from 2 P.M. to 5 P. M. to take at his office or in such public place as he may designate, from any person who may appear before him, or his deputy, a complete list or inventory of such person's taxable property, and of all property subject to taxation by the laws of the State of Texas and the ordinances of the City of Beaumont, held or controlled by such person or agent or attorney, trustee, guardian, executor or administrator; but assessments taken on other days and between other hours than those herein specified shall be valid.

Sec. 3. It shall be the duty of every person owning, holding or controlling property within the limits of the City of Beaumont, subject to taxation under the laws of the State of Texas, and the ordinances of the City of Beaumont, to render the Assessor and Collector of taxes of said city, at his office in said city, annually between the first day of January and the first day of June and between the hours prescribed in the next preceding Article, a full and complete list or inventory of all the property so owned, held or controlled by such person or corporation, whether as agent or attorney, trustee or guardian, executor or administrator, and to take and subscribe to an oath as to the correctness of such list or inventory as prescribed in Sec. 5 of the next preceding article, and any person or corporation who shall fail to thus render his or its property or property held by others, for taxation as provided for above before the first day

of June and when especially requested in person or by written notice mailed to them by the Assessor or his deputy, shall be deemed guilty of an offense, and shall, on conviction before the Recorder's Court, be fined in any sum not exceeding One Hundred Dollars.

Article 383. **Assessment of Property.**—Section 1. All property rendered for assessment by the owner thereof, or by any person rendering the same, shall be listed and appraised on assessment sheets ruled and lettered in convenient form to comply with the requirements of this chapter.

Sec. 2. It shall be the duty of every person rendering land to said Assessor and Collector for taxation, to so describe the same by lot and block or by metes and bounds, or by reference to deed or deeds recorded in the office of the County Clerk of Jefferson County, Texas, or by other description, that such property can be identified, and such description shall be no less certain than would be necessary to convey title thereto by deed. And said Assessor and Collector shall not be required to accept any rendition of such real estate or such other property for assessment unless the same shall be described with the degree of ecrtainty stated above. And in case the owner or agent rendering property for assessment shall neglect to describe the same with the certainty above referred to, such misdescription shall be subject to correction at any time thereafter, according to the proper description of the tract of land or property which it was the obvious intention as well as the duty of the owner or agent to render for assessment.

Sec. 3 But one separate tract of land shall be described on a single line in said assessment sheets. Each tract of land and lot in each block must be valued separately, except where the taxpayer lists and values several parcels as one, and they are so assessed or with his knowledge and aprobation the several tracts are listed and valued as one, and the land so assessed is subject to the lien for the aggregate tax assessed. If a grantee of a taxpayer, who so valued and assessed several tracts

as one, fails to render his property at separate valuations, he will not be allowed to object to the several tracts continuing to be valued as one until he has changed the rendition and asked that each tract be valued separately. The identification of any tract of land mistakenly or imperfectly described shall at all times be assisted by the presumption hereby declared to exist that the tract of land referred to is the tract owned by the owner named at the time of filling out the assessment sheet in the block or larger tract in which the same may be included as shown on said assessment sheet.

Sec. 4 When real estate is improved, such fact and the character of the improvements and the value thereof, exclusive of the value of the tract of land on which the same may stand, shall be shown in said sheets.

Sec. 5. The person rendering property for assessment, after said assessment sheet has been filled out according to his direction, shall take and subscribe to the following oath indorsed therein, viz:

The State of Texas,
City of Beaumont.

I,.....do solemnly swear or affirm that the foregoing inventory rendered by me contains a full, true and complete list of all taxable property owned or held by me for ..... in the City of Beaumont, Jefferson County, Texas, subject to taxation by the laws of the State, on the first day of January, A. D. 19...., and that I have true answers made to all questions propounded to me touching the same. So help me God.

.....

Subscribed and sworn to before me this the.....
day of ..... 19.....

.....
Assessor and Collector City of Beaumont.

Sec. 6. It shall be the duty of the City Assessor and Collector to inventory on assessment sheets of appropriate forms, and to assess the same at what he believes

the full and true value thereof, the property of persons failing to render the same for the assessment on or before the first day of June in each year, and such inventory and assessment shall be as valid and binding as if such property had been rendered by the owner thereof. If for any canse the assessment for any tract or tracts of land be irregular either because lots or tracts were assessed together and valued as one tract, or from any cause whatever, the City Assessor and Collector of Taxes and the Board of Appraisement are hereby given the authority at any time to reassess said land, and to value each tract separately, or to cure and correct the irregularity whatever it may be, and the correction when made shall be entered on the tax roll for the year or years the property is so reassessed, and such reassessment when made, shall be as binding and legal as if originally assessed in the manner corrected.

Sec. 7. It shall be the duty of the Assessor and Collector to keep one or more books shown as the Assessor's Abstract Book, in which shall be entered in numerical order each and every lot, block or other subdivision of real estate within the corporate limits of the City of Beaumont, and he shall enter in such books in separate columns the names of the person or persons rendering such block, tract or portion of the same for taxes, together with the description thereof, with the names of the owners of unrendered portions, if any, and he shall enter upon assessment sheets as property unrendered or belonging to unknown owners every tract of land or portion thereof not shown by said Abstract Book to have been rendered for taxes for that year.

Sec. 8. Said assessment sheets shall be securely bound in volumes, properly labeled, and shall be preserved in the office of the City Assessor and Collector, and the same shall be completed and turned over to the Board of Appraisement immediately after completion.

Article 384. **Board of Appraisement, Its Duties and Powers.**—Section 1. It shall be the duty of the Mayor

at the first regular meeting in May of the City Council, after each regular election, to appoint a Board of Equalization, to be known as the Board of Appraisement, composed of three resident free-holders of the city, whose appointment shall be confirmed by the City Council, who shall hold their office for a period of two years from the date of their appointment, and who, before entering upon the discharge of their duties shall take the oath of office prescribed by the Constitution. Said Board of Appraisement, after their qualification, shall proceed to equalize the value of all the property situated in the City of Beaumont; and shall have the powers delegated to them by the Charter, and shall be governed in their deliberations by the provisions of the Charter of the City of Beaumont and any two members of said board shall constitute a quorum for the transacting of business.

Sec. 2. As soon as practicable after the first day of June of each year, said Board of Appraisement shall meet in the office of the Assessor and Collector and said Assessor and Collector shall deliver to them the tax sheets prepared by him, and they shall proceed in the discharge of their duties in the maner provided by the Charter of the City of Beaumont; and said Board will receive the sum of three dollars for each day they shall be engaged in their labors, which sum shall not be paid until the completion of their labors. The City Secretary shall be Secretary of the Board and shall recieve the same compensation as the members of said Board.

Sec. 3. Said Board shall remain in session as provided by the Charter until their labors are completed, and all their meetings shall be open to the public and all persons rendering property for taxation to said City Assessor and Collector or interested in the rendition of same, shall have the right to appear and be heard by said Board at said meetings, touching the value of said property.

Sec. 4. Notice of the time and place where and when the meetings of said Board shall be held shall be given by publication in some daily newspaper published in

the city for three successive days, or by posting a notice thereof in at least two public places in the city, which notice shall be published or posted for at least three days prior to the commencement of the meetings of said Board, or by mailing the party a written notice thereof, which notice shall be signed by the City Secretary. Said notice shall conform to the requirements of Section 51 of the Charter.

Sec. 5. Said Board of Appraisement shall examine the assessment sheets turned over to them by the Assessor and Collector, as provided for in this chapter, and note all errors in the valuation of property therein contained, if it shall appear to them that such valuation as contained in the same is incorrect in any instance, it shall be their duty to make such alterations and corrections as to the value of such property as shall, to them seem just and reasonable, and should they make any change, they shall write on said sheet the valuation placed by them on such property.

Sec. 6. Before making any change in the valuation of any property shown on said assessment by the owner or other person acting for the owner as agent, guardian or otherwise, it shall be the duty of the said Board of Appraisement to have the Secretary to mail a postal card to the post office address of the person or corporation rendering such property for assessment, if such address shall be known to the said Board of Appraisement, and if unknown to them said postal card shall be addressed to Beaumont, Texas, notifying such person or corporation to appear before them at a designated time and place, specified in said notice, and show cause why the assessment made by such person or corporation should not be changed. Said notice shall be mailed at least one week prior to the time of any change being made by said Board in the valuation of said property, provided, however, that failure on the part of said board to send such notice or failure on the part of any person or corporation to receive said notice, shall in no way affect the validity of any action on the part of said Board in changing the

valuation of any property rendered for assessment as aforesaid; and it shall be the duty of every person or corporation owning or interested in the property described or referred to in assessment sheets to ascertain annually when and where said Board of Appraisement will be in session, and to appear voluntarily without other notice than that provided for in this chapter, before said Board and present evidence to said Board as to the value of such property, should such person desire a hearing before said Board in regard to any change in valuation which said Board is hereby authorized to make.

Sec. 7. It shall be the duty of said Board of Appraisement to complete their work and return said appraisement sheets to said Assessor and Collector as soon as completed, and file their account for service with the City Secretary, who shall present the same to the City Council for payment.

Sec. 8. Any person feeling himself aggrieved by the action of said Board in fixing the values upon his property, shall have the right to appeal therefrom to the City Council, by giving written notice of appeal within five days after values have been so fixed by the Board, and the City Council shall have the power to hear and determine such questions of appeal, and to take such action with reference thereto as to them may seem proper and just, and its action shall be final.

Article 385. **Assessment Rolls.**—Section 1. Immediately after said Board of Appraisement shall have completed their work and returned said assessment sheets to the City Assessor and Collector, it shall be his duty to prepare three assessment rolls, one of which will be known as the rendered assessment roll, an one shall be known as the unrendered assessment roll, and the other shall be known as the unknown roll. Said rolls shall be prepared on sheets appropriately ruled and lettered so that the provisions of this chapter may be conveniently conformed to.

Sec. 2. The City Assessor and Collector shall transfer to said assessment rolls the contents of said assessment

sheets so far as necessary to show the name of the owner, when known, the description of the property on which the tax is due, and the value of the same and the amount of the tax, said rolls shall show on each page the percentage of tax levied and the current year for which levied, provided, however, that any failure or direliction in regard to the preparation of such assessment rolls shall in no way affect the validity of any assessment or the title acquired at the sale of any property for the nonpayment of taxes justly due on such property, unless the party owning such property shall tender the purchaser under such tax sale the amount of taxes and penalties justly due on such property at the time such sale was made, together with all the costs incurred, including a penalty of not less than double the amount of taxes so paid and costs.

Sec. 3. On the final completion of said assessment rolls by said Assessor and Collector, he shall forthwith prepare a certificate and swear to the same before the Mayor, City Secretary, or before any officer authorized to administer oaths, embracing the facts shown and referred to in the following form:

I, ...Assessor and Collector of the City of Beaumont, do solemnly swear that the roll to which this is attached contains a full and correct list of all the real and personal property subject to taxation in the City of Beaumont, so far as I have been able to ascertain the same, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is the true and correct valuation thereof, as ascertained by me, and the footings of the several columns in said rolls and the tabular statement returned is correct as I verily believe.

Sec. 4. After said certificate, referred to next above, has been signed and sworn to by said City Assessor and Collector, the same shall be returned by him to said Board of Appraisement, who, if satisfied that the statements contained in the same are true, shall prepare and sign, under oath, the following certificate to be attached to the

certificate of the Assessor and Collector, to-wit:

To the Mayor and City Council of the City of Beaumont:

We, the undersigned members of the Board of Appraisement for the City of Beaumont for the current year, do certify that the statements contained in the foregoing certificate of the Assessor and Collector are true, according to the best of our knowledge and belief.

Sec. 5. Said certificates of said Board of Appraisement and Assessor and Collector, referred to above, after having been approved by the Mayor, shall be read at the next meeting of the City Council and spread upon the minutes of that meeting, and it shall not be lawful for any officer of said city to pay said Board of Appraisement or the City Secretary for their said services, nor shall it be lawful for them to receive pay for the same until said certificates have been read before said council and spread upon the minutes of said meeting. The spreading of said certificates upon said minutes shall be deemed an approval of said rolls by said council, unless action to the contrary by said City Council be had at said meeting.

Sec. 6. After said certificates, referred to next above, have been entered in the minutes of the meeting of said City Council, it shall be the duty of the City Secretary to charge to the account of the Assessor and Collector the total amount of taxes due the City of Beaumont for the current year, as shown on said assessment rolls, and by said certificates, which amount shall be a valid claim against said Assessor and Collector and the sureties on his official bond, until the same shall be properly accounted for.

Article 386. **Provisions Directory.**—All the provisions of this chapter, except such as are necessary to the levying of taxes, the inventory and appraisement of property, and the identification of the same, and the collection of the amount of taxes levied upon such property, and the preparation of the rolls showing these facts, together with the name of owner of such property, when known,

and the provisions providing for the appointment of a Board of Appraisement and the publication of notice to appear before the Board of Appraisement, are hereby declared to be directory merely, and not mandatory.

Article 387. **Collection of Taxes.**—Section 1. It shall be the duty of the Assessor and Collector and Board of Appraisement to have said assessment rolls hereinbefore described fully prepared and completed by the first day of October of each and every year; and all taxes shall be due and payable on or after the first day of October of each and every year, and if not paid by December 31 of the same year, there shall be added a penalty, ten per cent upon the amount of such taxes, and should the same not be paid by March 1st of the year succeeding the levy, said taxes and penalty shall thereafter bear interest at the rate of six per cent per annum until paid. And it shall be the duty of all persons from whom such taxes are due, to call and pay the same to said Assessor and Collector at his office in the City of Beaumont, between the first day of October and the 31st day of December of the year of the levy.

Sec. 2. Said Assessor and Collector shall provide a book containing one or more written or printed blank receipts with corresponding marginal stubs and before the delivery of any receipt for taxes he shall fill up a blank therefor and also the corresponding marginal stub, with the amount of tax so paid, specifying each separate tax, the name of the taxpayer, a description of the property, if it be real estate, the year or years for which said taxes are paid, and the date of payment, and the amount and character of the fund received, whether in money, city script, or other funds receivable for taxes; and shall detach said receipt from said book leaving therein the corresponding stub as a permanent record in his office, which stub shall show each separate tax, the name of the tax payer, the year or years for which said taxes are due and paid and the date of payment.

Sec. 3. All sums of money received in payment of taxes shall be credited when received on some particular

tract of land or parcel of property; and no money in payment of taxes shall be received on account.

Article 388. **Delinquent Tax Roll and Sale of Property for Taxes.**—Section 1. Immediately after the first day of March in every year, it shall be the duty of the Assessor and Collector of taxes to prepare a roll containing a description of all the property described in the assessment rolls of the next preceding year, that is to say of the year ending on the next preceding thirty-first day of December on which the taxes have not been paid. Said roll shall be called "Delinquent Roll," and shall consist of a copy from the assessment rolls of so much of the land on which the taxes remain unpaid as will identify the property and show the amount of tax due on the same. After said delinquent roll shall have been prepared as aforesaid, the pages comprising the same shall be securely bound in a volume, properly labeled and carefully preserved as an archive of the office of the City Assessor and Collector, and said Assessor and Collector shall sign the following certificate at the foot of each separate page of said delinquent roll, viz: "I certify that the above entries have been correctly made out in accordance with the provisions of the Charter and ordinances of the City of Beaumont.

(SIGNED) .....

City Assessor and Collector of Taxes of the City of Beaumont."

Sec. 2. Whenever the taxes on any property in said delinquent roll shall be paid, the fact of such payment, with the date of asme, shall be noted in said roll opposite the description of the property, and interest on the taxes due as hereinafter provided shall in every instance be collected, and the amount of said interest entered on said roll.

Section 3. During the time that the City Assessor and Collector shall prepare the delnquent roll above described, he shall also prepare separate statements of the tax accounts due the city, to be furnished the city attorney

on which to bring suits, which statements shall contain the description of the property, the year for which the tax is due, amount of tax due, the rate of taxation, and the name of persons, or person, estate, firm or corporation who assesses the same, or whether the property is rendered, unrendered, or owner is unknown as appears from the tax rolls, which statement the City Assessor and Collector shall certify to be correct and which shall be the prima facie evidence of the statements made therein, and that all the requirements of the law have been complied with; and the City Assessor and Collector shall be entitled to $1.00 on each statement so made, which shall be taxed against the delinquent tax payer on the property on which the tax is due, and in case of suit to be taxed as a charge against the property, and the Assessor and Collector shall be entitled to refuse to issue any receipt to any delinquent tax payer until said $1.00 has been paid; provided that, where several tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement, which said delinquent roll shall be finished and said statements furnished not later than the last day of April of each year.

Said "Delinquent Roll" shall be published during the month of May following, at least once a week for three weeks in some newspaper published in the City of Beaumont, and the said paper shall be entitled to a fee not exceeding 25 cents for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and the assessor and collector shall be entitled to refuse to issue any receipt to any delinquent taxpayer until this cost of advertising has been paid; and a failure to comply with these provisions by the City Assessor and Collector of Taxes shall be deemed a malfeasance and be cause for impeachment. Upon receipt of the above tax statements by the city attorney, he shall as soon as possible, institute suit in the proper court, to enforce the collection of taxes due the city, and shall file on all of of said statements furnished him by the City Assessor

and Collector of taxes by the next first of October after he has received them, and the failure on the part of the city attorney to file suits on said statements by the first of October shall be deemed a malfeasance and be cause for impeachment; but a failure on the part of the City Assessor and Collector of Taxes to prepare the delinquent roll, or publish it for the required length of time, or furnish tax statements to the city Attorney, or a failure on the part of the City Attorney to file suits within the proper time, shall in no wise affect the liability of the delinquent taxpayers, nor shall such failure in any manner be relied on by way of defense against the payment of taxes due the city. Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed. In cases where the State has instituted suit for taxes, where taxes are due the city on the same property for the same years, that the city may have the right to intervene in said suit and have judgment for its taxes, and to enforce and foreclose its lien for said taxes and in cases where the city has first instituted suit for taxes that the State may have the same right to intervene.

Section 4. All taxes upon eral estate shall be a lien and charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of 6 per cent per annum. All real and personal property held, owned or situated in the city of Beaumont, shall be liable for all taxes due by the owners thereof, including taxes on real estate, personal property and poll tax. All personal property may be levied upon, seized and sold by the Assessor and Collector for any taxes that may be due without further warrant of authority than the production of his personal tax roll which sale, when made, shall convey a perfect title to the purchaser thereof or the amount of the tax may be sued for in any court having jurisdiction and a personal judgment may be recovered against the delinquent tax payer, or against any person to whom the personal prop-

erty on which the city tax is due has been sold, or who owns, hold or claims possession of said personal property.

Section 5. When the description of any property on the assessment sheets or tax rolls is vague and indefinite, the city may show by evidence other than the assessment and tax rolls where the property is located, and on what property the tax is due, what parties own the property and that the taxes on the same are due and unpaid, and enforce and foreclose the tax on such property.

Section 6. All taxes due by property owners on any and all property for the year 1885 up to and including the year 1909, and for all years to come until otherwise provided by charter, as it appears upon the rolls of said city, may be collected by suit from delinquents and foreclosures of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes shall be deemed as to such taxes a delinquent tax payer, and such purchaser takes the property charged with the lien, and he cannot interpose any defense which his vendor might not have interposed had he continued to be the owner.

Section 7. The tax levied by the city is hereby declared to be a lien charge and incumbrance on the property on which the tax is due, not only as against any resident of this state, but entitled to enforce and foreclose in any court having jurisdiction of the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the State Court jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State, but against persons who are non-residents of this State, or whose residence is unknown, and against the unknown heirs of any person who owns the property on which the tax is due.

Section 8. The City of Beaumont has a right to maintain a suit to recover a personal judgment for the amount of the tax due it, and the tax may be collected

by sale of the particular property on which it is assessed, by enforcing the lien, or by the sale of that or other property under a judgment of the court, or seizure and sale of personal property.

Section 9. For the taxes due on any property for any and all years from the year 1885 up to and including the year 1909, and for all years to some until otherwise provided by charter, either the tax rolls or a statement of the taxes due on any property made from said rolls, certified to and signed by the City Assessor and Collector of Taxes of the City of Beaumont, shall be prima facie evidence of the facts stated in Sec. 69 of the Charter and that the tax on said property is due; that the facts stated therein are true, and that all the pre-requisites required by the law pertaining to the levying and assessing of taxes on the property on which the suit is brought for taxes due have been complied with.

Section 10. The City Attorney shall represent the City against delinquent taxpayers. In any and all suits by the City of Beaumont for collection of taxes due it for the year 1885 and thereafterwards the City Attorney shall be entitled to a fee of $3.00 for the first lot and $1.00 for each additional lot, which fee shall be taxed as costs against the property on which the tax is due; and in no case after suit has been filed, shall receipt for taxes be given on the property in suit until after the payment of the Attorney's fees as above stated, the costs of the City Assessor and Collector, as herein provided, the publisher's fee, penalties and all court costs. When judgment has been taken for taxes due on property in suit, the Attorney's fee, and other costs named, shall be taxed as costs against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of same, together with the taxes and interest due thereon to said City. Prior to the year 1885 the City Attorney shall be entitled, upon the filing of a suit for taxes, to the same fees as above stated, to be collected and paid by the owner of the property, said fees to be paid, however, only as they are collected.

Section 11. In no case shall the city council or any member of the city council or officer of the city remit, discount or compromise any tax legally due the city, except as may be allowed by the Charter.

Section 12. All property, real, personal or mixed, except such as may be hereafter expressly exempted, is subject to taxation and the same shall be rendered and listed in the manner prescribed by the general laws in regard to the general State taxation, when applicable. The definition of property and terms, as defined by the general laws under the head of "taxation" and what is subject to taxation as prescribed by the general laws of this State shall apply to the taxation of this City. All taxes shall be payable at the office of the Assessor and Collector, and no demand by him be requisite or necessary to enforce the collection thereof by any proceedings herein prescribed, nor for any taxes due before the passage of this Act.

Section 13. In any suits for taxes the proper persons shall be made parties defendant in such suit, and shall be served with process and other proceedings had herein as provided by law for suits of like character in the District Courts of this State and the City Charter; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder as in other cases of foreclosure, which order of sale shall have all the force and effect of a writ of possession between the parties to the suit and any person claiming under the defendant by any right acquired after the filing of the suit, and the sheriff or other officer executing such order of the sale shall proceed, by virtue of the same, to place the purchaser of the property sold under said order of sale in possession thereof within thirty days after the date of sale, and such order of sale may direct that the sheriff or other officer, executing such order of sale, shall sell the property either each piece separately, as under execution, or in gross, as the city, through its Attorney may direct; and if the defendant, or his attorney, shall at any time before the sale, file with the sheriff or other officer in whose hands any such order of sale shall be placed, a written request that the

property described therein shall be divided and sold in less tracts than the whole, together with a description of said subdivisions, then such officer shall sell the land in such sub-divisions as the defendant may request, and in such cases shall only sell as many sub-divisions, as near as may be, as will satisfy judgment, interest, court costs, and other costs herein specified. In all cases in which lands have been sold or may be sold for default in the payment of taxes, it shall be lawful for the sheriff selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any person to whom the purchaser may direct the deed to be made, and such deed shall be held in any court of law or equity in this State to vest a good and perfect title in the purchaser thereof.

Section 14. If the purchaser, at any sale under proceedings, had to foreclose a tax lien on property sold in the City of Beaumont for non-payment of taxes, shall fail to acquire a valid title to the property purchased by him, by reason of any irregularity or defect in the assessment or levy or for any other reason whatsoever, whether of a jurisdictional character or otherwise, such purchaser shall nevertheless have a lien on the property so purchased for the taxes which would have been due on the assessment of taxes at any time before such taxes shall become due on same had all proceedings in reference thereto been legal and regular, together with all the costs connected therewith, also for all taxes by him subsequently paid on said property, with interest on all of such sums at the rate of six per cent per annum, and he shall be entitled to judgment for such amounts and for the enforcement of the lien against the owner of said property in the same action wherein the invalidity of said sale is established and declared void together with his costs incurred in such action. In no case shall the city council or any member of the city council, or officer of the city remit, discount or compromise any tax legally due the city, except as provided by the Charter. The city shall have the equal right to become the purchaser at all sales of property under judgment or otherwise for taxes due

it, provided none of the other bidders at such sales bid an amount equal to the amount of the taxes and costs due on said property. All taxes shall be due and payable on the first day of October of each and every year, and if not paid by the first day of March thereafter, the same shall bear interest thereafter at the rate of 6 per cent per annum; a ten per cent penalty shall be added after December 31st. It shall be the duty of all persons from whom such taxes are due to call and pay the same to the City Assessor and Collector of taxes, at his office in the City of Beaumont, between the said first day of October and the thirty-first day of December next thereafter.

Article 389. **Poll Tax.**—Every male citizen of the City of Beaumont over the age of 21 years and under 60 years of age, shall be required to pay an annual poll tax of $1.00 to the City of Beaumont.

Article 390. **Property Exempt from Taxation.**—That the following property shall be exempt from taxation, to-wit: All lands used exclusively for grave-yards or grounds for burying the dead, except such as are held by anyt person, company or corporation with a view to profit or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions not leased or otherwise used with a view of all profit and moneys and credits appropriated solely to sustain such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas.

Article 391. **Copy of Assessments. Evidence.**—The City Assessor and Collector is hereby authorized and it shall be his duty to furnish a copy of any assessment sheet, or any page of said assessment or delinquent rolls referred to in this chapter, at the request of any person on payment of a fee of fifteen cents per hundred words and each figure shall be counted as a word, and he shall attach to such copy a certificate, under the seal of his office, certifying the same to be a true and correct copy of such page or sheet, and full faith and credit in all

courts shall be given to the same when thus authenticated by him. And all certificates made and entered in the minutes of the proceedings of said city council provided for in this chapter, or copies of the same, certified to by the City Secretary, shall be prima facie evidence of the truth of the matters therein recited and shall be deemed sufficient to establish and perpetuate the evidence of such facts as provided in the charter of this city.

Article 392. **Collection of Taxes on Personal Property.**—It shall be the duty of the assessor and collector in the refusal of any person to pay the taxes levied upon the personal property owned by him to seize and take into his possession as much of the personal property subject to taxation under the laws of the State of Texas belonging to said delinquent taxpayer upon the personal property due from such taxpayer, as shown on said assessment rolls, and he shall sell the same at public auction to the highest bidder for cash, at the door of the court house of Jefferson County, Texas, giving ten days' notice of the time and place of such sale by notice duly posted at three public places in said city, one of which shall be at the door of said court house.

Article 393. Section 1. **Occupation Tax.**—It shall be the duty of every person, firm, association or corporation pursuing a business, profession, occupation or calling within the limits of the City of Beaumont, upon which there is or may be levied an occupation license tax by the City Council, which the City Council is hereby authorized to do, before commencing or engaging in such business or profession or other taxable calling or vocation, to procure a license from the Assessor and Collector of taxes of said city, to pursue the same, and for any failure, neglect or refusal to procure said license shall be deemed guilty of an offense. Any person so offending shall be arrested and fined in the sum of ten dollars for each and every day of such violation of said ordinance may have or may thereafter be continued. All occupation tax licenses shall expire on the 31st day of March of each year, except as hereafter provided.

Section 2. Upon payment of any occupation tax to the assessor and collector, he shall give a receipt therefor, which shall show the date of payment, the amount and by whom paid, and the time and the purpose for which the tax has been paid. The stubs thereof shall be preserved as hereinbefore provided.

Section 3. It shall be the duty of the chief of police and city assessor and collector to see that the provisions of this chapter relating to occupation taxes are strictly complied with, and forthwith to present to the mayor (or recorder) any person violating the same.

Section 4. It shall be the duty of every person liable to occupation license tax, and pursuing his occupation at a fixed place, to keep his license conspicuously posted or exhibited at his place of business and every person liable to license tax shall exhibit his or her license whenever he or she is called upon to do so by the Assessor and Collector, the Chief of Police or any member of the city police force. Any person who fails or refuses to post his license or exhibit the same to the Assessor and Collector, Chief of Police or Policeman, as prescribed by this article, shall be deemed guilty of an offense and shall be arrested and fined for each time he so fails or refuses to post or exhibit the same, as prescribed in this Article, not less than ten dollars, nor more than One Hundred Dollars.

Article 394. **Miscellaneous Provisions.**—The Assessor and Collector shall make monthly reports to the City Council at their first regular meeting in each month, showing the amount of ad valorem and occupation taxes and license fees that have been collected by him for the previous month. Said reports shall be in writing, under oath, and shall show what amount and kind of taxes and collections have been collected by him for the previous month, and what disposition he has made thereof.

Article 395. **City Assessor and Collector May Appoint Deputies.**—The city assessor and collector shall be and is hereby authorized to appoint one or more deputies,

whose acts in reference to any of the matters referred to in this ordinance shall be as authoritative and binding as though performed by the City Assessor and Collector in person.

Article 396. **May Divide and Separate Assessments. —When.**—The Assessor and Collector and Board of Appraisement are authorized to divide and separate assessments made on property where mistakes have occurred in reference to the ownership of the same, or where such separation may be deemed by them convenient and equitable on account of such property having been divided by sales subsequently made, or by reason of the death of the owner of the same.

Article 397. **Assessment of Property Escaping Taxation.**—If the City Assessor and Collector shall discover any property, real or personal, which was subject to taxation for any year heretofore and which for any reason has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation for the year or years it was omitted and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as the other assessments; provided, that such supplemental roll may be made at any time and reported to the City Council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplemental roll shall be due at once upon approval of such rolls by the city council, and if not paid within sixty days thereafter, shall bear interest at the rate of six per cent per annum, and may be collected by seizure and sale or suit, as herein and in the charter provided for the collection of other taxes.

Article 398. **Unrendered List.**—The City Assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If the owners of such property are unknown to the assessor, he shall so state and such assessment shall be sufficient warrant for the collection of

the taxes due upon said property by seizure and sale or suit as provided in this chapter and in the City Charter for the collection of taxes or other property.

Article 399. **Taxes Barred, When.**—All taxes due the city of Beaumont, for which action is not instituted within four (4) years from the time such tax is due and payable, shall be conclusively presumed to have been paid, and no action therefor shall be maintained. No irregularity in the time or manner of making the annual levy of taxes heretofore levied by the city council, and which are unpaid, shall invalidate the taxes, but they are hereby continued in force and may be collected by seizure and sale of property of the person owning the same, or by suit, as provided in the City Charter and in this chapter. Provided, that the limitation herein contained shall not apply to any claim for taxes accruing prior to the enactment of the present charter.

Article 400. **Persons, etc., in Arrears for Taxes Are to be Paid, etc. Compromise for Back Taxes.**—No money shall be paid by the city upon any account whatever to any person, firm or corporation who is in arrears to the city for taxes due, and the City Council shall have the power to compromise all claims for back taxes.

Article 401. **Occupation Taxes on Certain Occupations.**—That there is hereby levided and shall be collected from every person, company, firm or a associations or persons pursuing any of the following named occupations, an annual occupation tax on every occupation, or separate establishment as follows:—

1. **Patent Medicine Vendors.**—From every traveling person selling patent or other medicine, eighty-seven dollars and fifty cents, and no traveling person shall so sell upon the streets, sidewalks, public squares or vacant lots of said city, nor shall the same be sold until the tax is paid; provided this tax shall not apply to commercial travelers, drummers or salesmen making sales or soliciting trade from merchants engaged in selling drugs or medicine by wholesale.

2. **Fortune Tellers, etc.**—From every fortune teller,

five hundred dollars. . From every clairvoyant or mesmerist, who plies his or her vocation for money, the sum of five dollars, and such sales shall not be conducted or carried on upon the streets, public grounds or vacant lots of said city.

3. **Auctioneers.**—From every auctioneer doing business in the city, ten dollars.

4. **Commission Merchants.**—From every person, firm or association of persons selling upon commission, an annual tax of three dollars and fifty cents.

5. **Ship Brokers or Ship Agents.**—From every person, firm or association of persons following the occupation of ship brokers or ship agents, twenty-five dollars.

6. **Shooting Gallery.**—From every person or firm keeping a shooting gallery, at which a fee is paid or demanded, an annual tax of twelve dollars and fifty cents.

7. **Knife Rack, Ring Devices, etc.**—From every person or firm keeping a knife, cane or doll rack, or any other device upon which rings are pitched, or at which balls are thrown, an annual tax of twelve dollars and fifty cents.

8. **Billiard Tables, etc.**—From every billiard, bagatelle, pigeon hole, devil among the Taylors, or Jenny Lind table and pool table, or anything of the kind used for profit, ten dollars, and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

9. **Obscene Literature.**—From every person, firm or association of persons, selling or offering for sale, the Illustrated News, Police Gazette, Sporting World, Standard or other illustrated publication of like character, the sum of two hundred and fifty dollars.

10. **Ten Pin Alley.**—From every nine or ten pin alley, or any other alley used for profit, by whatever

name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings or other devices used as substitutes thereof are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls, rings or other devices are rolled by hand, or with a cue or any other device, fifty dollars. Any such alley used in connection with any drinking saloon or any drug store or within a drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

11. **Hobby Horses.**—From all persons keeping or using for profit any hobby horse or flying jenny, or device of that character with or without name seven dollars and fifty cents.

12. **Peddlers.**—From every foot peddler, two dollars and fifty cents. From every peddler with one horse, or one pair of oxen the sum of three dollars and seventy-five cents ($3.75.); from every peddler with two horses or two pair of oxen, five dollars ($5.00.) Provided that any blind, deaf and dumb person, or any cripple person who has lost a hand, or foot shall not be required to pay any tax for peddling; provided such person shall not be exempt from such peddler's tax within the employ of other person or persons. Nothing herein contained shall be construed so as to include travelling vendors of tin or earthen ware, nor vendors of literature, exclusively religious in character, nor traveling vendors of vegetables, poultry or other country products exclusively, fruit and fruit trees exclusively.

13. **Milk Vendors.**—From every milk vendor, selling milk within the city as a business, there shall be and the same is hereby levied an annual tax of three dollars.

14. **Theatres.**—From every theatre or dramatic representation from which pay for admission is demanded or received, one dollar for each day they may perform, or twenty-five dollars per quarter; provided, that theatrical or dramatic representations given by performers, for instruction only, or for charitable purposes shall not be herein included.

15. **Circuses.**—From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance or exhibition and performance where an admission fee shall be charged of not more than $1.00, $25.00; provided, that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided further, that every show or circus which shall advertise itself as a circus or menagerie or circus and menagerie or a combination circus and menagerie shall be construed to be a circus or menagerie or circus and menagerie, whether it shall be such or not.

16. **Menageries and Other Shows.**—From every menagerie, wax works museum, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, five dollars for every performance or exhibition in which fees for admission are received.

17. **Acrobatic Shows.**—From every exhibition where acrobatic feats are performed and an admission fee charged for profit, not connected with the theatre or circus, five dollars for each performance.

18. **Sleight of Hand.**—From every sleight of hand performance or exhibition of legerdemain, not connected with a theatre or circus twelve dollars and fifty cents.

19. **Menageries and Other Shows.**—From every menagerie, wax works or exhibition of any kind where a separate fee of admission is demanded or received, five dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence shall be exempt from taxation; and provided further, that persons who form a museum composed entirely of the products of Texas shall have the right to exhibit the same for a fee without paying any occupation tax. (See Sub. 21.)

20. **Concerts.**—From every concert where a fee of admission is demanded or received, two dollars, provided,

that the entertainments when given by the citizens for charitable purposes or for the support or aid of church, literary or cemetery associations are exempt.

21. **Certain Newspapers.**—There shall be levied on and collected from every person, firm or association of persons selling or offering for sale the Sunday Sun, The Kansas City Sunday Sun, or other publications of like character, whether illustrated or not, the sum of two hundred and fifty dollars.

22. **General Insurance Agents, etc.**—There is hereby imposed and shall be collected from each and every person acting as general agent or agents of life, fire, marine and accident insurance companies, and transacting a business as such within this city, an annual occupation tax of twenty-five dollars. By general agent as used in this law, is meant any person or firm, representative of any insurance company in this State, or who exercises a general supervision over the local agencies thereof, in this State, or any sub-division thereof.

23. **Ice Dealers.**—From each person or corporation who are wholesale dealers, selling imported or home-made ice to the trader to be sold again, a tax of fifteen dollars.

24. **Agents of Industrial Life Insurance Companies.**—There is hereby imposed upon and shall be collected from each and every person or firm, acting as local agent or agents, of Industrial Life Insurance companies, who may transact any business as such within this city, an annual occupation tax of one dollar.

25. **Lightning Rod Agent.**—For every person, firm or association of persons dealing in lightning rods within this city, an annual tax of eighteen dollars, and the same tax shall be levied upon any persons canvassing for the sale of the same within the city.

26. **Cotton Brokers, etc.**—From every person, firm or association of persons, following the occupation of cotton broker, cotton factor or commission merchant, seventeen dollars and fifty cents; provided, that a mer-

chant, who pays an occupation tax under this law, as hereinbefore provided, shall not be considered as a cotton broker; from every pawn broker, an annual tax of thirty seven and one half dollars; from every cotton buyer, or every buyer of wool, five dollars; provided that a merchant who pays an occupation tax as herein elsewhere prescribed, shall not be considered a cotton buyer, or buyer of wool.

27. **Sewing Machine Agents.**—From every person, firm or agency, or association of persons, dealing in sewing machines, an annual tax of seven dollars; provided, that a merchant who pays an occupation tax as herein elsewhere provided, shall not be required to pay this special tax to sell sewing machines.

28. **Clock Peddlers.**—From every person or firm who peddles out clocks, or cooking stoves or ranges, washing machines, churns, within this city, the sum of one hundred and twenty-five dollars; provided that a merchant who pays an occupation tax, as required by this article, shall not be required to pay this special tax.

29. **Electric Companies.**—From every electric light company, operating an electric light plant within the city of Beaumont, a tax of seventeen dollars and fifty cents annually shall be levied and collected.

30. **Skating Rinks.**—From every skating rink, twelve dollars and fifty cents.

31. **Hotels.**—For every hotel twenty dollars.

32. **Restaurants.**—For every restaurant or cook shop, ten dollars.

33. **Soda Water, Lemonade Stand, etc.**—From every person, firm or association of persons, selling soda water, lemonade, or other such like beverages, twelve dollars.

34. **Occupation Tax for Selling Spiritous Liquors, etc.**—Hereafter there shall be collected from every person, firm, corporation or association of persons selling spiritous, vinous, or malt liquors or medicated bitters,

capable of producing intoxication, an annual tax on each separate establishment, as follows:—

For selling such liquors or medicated bitters in quantities of one gallon or less than one gallon, one hundred and eight-seven dollars and fifty cents.

For selling such liquors or medicated bitters in quantities of one gallon or more than one gallon, one hundred and eighty-seven dollars and fifty cents, provided, that in selling one gallon the same may be made up of different liquors in unbroken packages, aggregating not less than one gallon. For selling malt liquors exclusively thirty-one dollars and twenty-five cents. All of said liquor tax shall be paid annually in advance and under the same restrictions and regulations as prescribed by the State law, to run for not less than one year from date of issue.

35. **Market House, Wagon, Stall, etc.**—For each Market House or Stall, or market wagon or cart, running regularly in the business, twenty-five dollars; provided, there shall be no additional tax paid where any person or firm runs a cart or other vehicle in connection with their market house, or stall, and provided further, there shall be no tax on fish, fowls and game.

36. **Circus Parades.**—For every circus, show and exhibition company which shall parade its troops, horses, wagons, cages and menagerie in, upon and along the streets within the corporate limits of the City of Beaumont, there shall be collected the sum of twenty-five dollars for each day such parade is had, provided, this shall not apply to such parade or menagerie as they are being transferred from the cars to the circus grounds, nor will the same be levied and collected when such circus or show shall have paid the tax elsewher herein provided for circuses, etc. Such tax shall be paid before such parade is had.

37. **Telephone Companies.**—From every telephone company doing business within the city, an annual tax of five dollars.

38. **Plumber.**—From every person carrying on his occupation as plumber in the city, an annual tax of nine dollars.

39. **Hacks, etc.**—From each hack, wagon, dray, buggy, carriage, etc., not connceted with a livery stable and let for hire, the sum of two dollars annually.

40. **Pawnbroker.**—From each pawnbroker, the sum of seventy-five dollars annually.

41. **Specialists, etc.**—Medical specialists, occulist, surgeon, or physician, traveling, $25.00, payable annually.

42. **Exhibitions for Sale of Medicines, etc.**—From each owner and manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight of hand, gymnastics or other kinds of performance in a tent, house or elsewhere, which said exhibitions are used for profit by the sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, a tax of two dollars and fifty cents for every such performance or exhibition.

43. **Bill Posters.**—From each bill poster, plying his vocation in the city, ten dollars annually.

44. **Street Stands.**—From every street stand or person doing business on the street or occupying a stand thereon for doing business the sum of four dollars annually.

45. **Selling Cannon Crackers or Toy Pistols.**—There shall be levied upon every person, firm or corporation engaged in the occupation of selling cannon crackers, or toy pistols used for shooting or exploding cartridges within this city, an annual tax of Two Hundred and Fifty ($250.00) dollars and such person, firm or corporation so selling such cannon crackers shall be required to pay an additional tax in the above amount and take out an additional license for each separate establishment or place in which such cannon crackers shall be sold.

By the term "cannon cracker" is meant any fire cracker or other combustible package more than two inches in length, and more than one fourth inch in diameter commonly sold and exploded for the purpose of amusement.

Nothing in this act shall be so construed as to prohibit the sale of or to place a tax on the sale of cartridges, combustible packages or explosives commonly used for firearms or artillery, mining, excavating earth or stone, scientific purposes or for any public or private work.

Penalty.—Any person or corporation, violating the provisions hereof shall be fined in any sum not less than $5.00 nor more than $200.00 and each sale shall be and constitute a separate offense.

Article 402. **Ordinance Prescribing a Penalty for Refusing to Pay Occupation Tax.**—That any person, firm or corporation or association of persons upon whom an occupation tax shall have been levied by the ordinances of this city, who shall fail or refuse to pay such tax after demand made therefor by an official of this city authorized to collect the same, shall be deemed guilty of a misdemeanor and be punished by a fine in any sum not less than the amount of such tax due, and all costs of prosecution not exceeding one hundred dollars; each failure or refusal to pay such occupation tax after each successive demand to constitute a separate offense.

Article 403. **Penalty for Not Rendering Property or Making Oath.**—That is shall be unlawful for any person, firm or corporation or the agent or agents or other persons representing any person, firm or corporation, who have property subject to taxation or who are liable for any tax, to fail, neglect or refuse to render a list, inventory and appraisement thereof, or to fail or refuse to make oath to such list, inventory and appraisement, and any person, firm or corporation or the agents or representatives of any such person, firm or corporation violating any of the provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars.

CHAPTER XXXI.
SEWER DISTRICT.

Article 404. All the territory within the corporate limits of the city which shall border on the line within 300 feet of any main or lateral sewer now constructed or that may hereafter be constructed by the city of Beaumont, shall constitute the sewer district of this city and all property owners within such territory shall be required to connect all water-closets, urinals, slop-sinks, and sink basins with such main or lateral sewer as may be within such distance of their property, as required by the ordinances of the City of Beaumont.

Article 405. **Sewers Belong to City.**—All sewers now laid down and existing in the streets of the City of Beaumont, and all which may hereafter be laid down or exist therein, as well as all sewers which tap, connect with or run into the public sewers of this city, shall be and the same are made the property of the City of Beaumont and placed under the control and regulation of the ordinances of this city.

Article 406. **Sewer Connections, etc.**—To connect with district sewers and the manner, of etc. Private sewers water closets, slop sinks, sink basins, etc., shall be constructed in all sewer districts where district sewers are now established or may hereafter be established, to connect with said district sewers, on notice from the Mayor or City Engineer. Said connections to be made with plans and specifications approved by the City Engineer and kept on file in the office of the City Secretary, and said work to be done under the supervision and direction of the street commissioner or city engineer, or the street and bridge committee, at the expense of the property owners.

Article 407. **Must Have Permit from the Mayor.**—No person shall make any connection with, or any opening into, any public sewer without a permit from the Mayor. Applications for permits shall be made in writing, to the Mayor by the property owner, or his authorized agent.

Such application shall give the exact location of the property, the name of the owner, and the name of the person employed to do the work, and shall be made on the day previous to opening the sewer.

Article 408. **Permit May be Revoked.**—All permits to connect with sewers shall be given upon the express condition that the City Engineer or Mayor may at any time before the work is completed, revoke and annul the same, and no party interested shall have a right to claim damages in consequences of such permit being revoked and annulled.

Article 409. **Owner or Plumber Shall be Held Responsible for Damages.**—The property owner or plumber who makes the connections, or both, shall be held responsible for any injuries the plumber shall cause to the sewer or street in making such connections.

Article 410. **Permitting Gutters, Cesspools, etc., Being Connected with Public Sewers.**—No person or corporation shall connect any open gutter, cesspool, privy, vault or cistern with any public sewer or with any private sewer connecting with the public sewer.

Article 411. **Rain Water Conductors Not Connected.**—No rain water conductors shal lbe connected with public sewers or with any private sewer connected with the public sewer.

Article 412. **Shall Not Injure, Break or Remove.**—No person or corporation shall injure, break or remove any portion of any manhole, lamp hole, flush tank or any part of the public sewers, and when any person or corporation shall desire to lay or drive any pipe in any of the streets upon which sewers are laid, they shall give at least twenty-four hours notice to the Mayor.

Article 413. **Offenses as to Sewers.**—It shall be unlawful to do any of the following acts as herein provided: To uncover the public or district sewers for any purpose, or to make connections therewith or uncover the public connection branches thereof, unless by consent and un-

der the supervision of the Mayor or city engineer, or their duly authorized agents, whose duty it shall be to insure full compliance with this article in relation to connections, and a failure of duty in this respect shall subject such engineer, Mayor or their agent to all the penalties of this chapter.

Article 414. **Throwing Certain Things in Sewer.**—To throw or deposit or cause or permit to be thrown or deposited, in any vessel or receptacle connected with district or public sewers, any garbage, hair, ashes, bones, sticks, rags, cotton, coarse paper, fruit or vegetable peelings, cinders, or any other substances whatsoever, which would have a tendency to obstruct such sewer, except toilet paper and closet paper, foeces, urine and liquid house slop, shall be unlawful.

Article 415. **Requiring Property Owners to Connect with Sewers.**—All property owners within the sewer district now existing, or which may hereafter exist, are hereby required to construct, or cause to be constructed, suitable water closets and slop sinks on their property, within such districts, and connect the same with lateral sewers or pipes of said district sewer under the supervision of the City Engineer, or other person appointed by the Mayor and according to such plans and specifications as he may require. No person shall hereafter build or use, within the sewer district, any privy vault, above or below ground, in said sewer district. All persons now having such privies in such districts are hereby required to abate the same within twenty-four days from the passage hereof, and to construct and put in water closet and private sewers required by this chapter.

Article 416. **Penalty.**—That every person who omits or refuses to comply with, or who resists or wilfully violates any of the provisions of any of the articles of this chapter or of chapter 18 of this Code, or any of the rules, orders or sanitary regulations established by the City Council, City Engineer, or Health Officer, in carrying out the provisions of this Chapter, or Chapter 18,

or the execution of any order, or special regulation of the Health Officer, made for that purpose, is hereby declared to be guilty of a misdemeanor, and upon conviction in the city court, shall be fined for each offense in any sum not to exceed one hundred dollars.

Article 417. **Sewer Connection to be Reported Monthly, Reports to Scavenger, Requisites of Such Reports.**—Every person, firm or corporation who shall make a connection with any sewer in the city of Beaumont shall on the first day of the month after said connection is made make a report of same to the City Scavenger. Said report shall be made on blanks to be furnished by the City and shall contain the name of the person, firm or corporation for whom said connection was made, the location of the premises and the person, firm or corporation making said connection.

Article 418. **Penalty.**—Any person, firm or corporation, violating any of the provisions of the foregoing Article, shall on conviction in the Corporation Court, be fined in any sum not less than Five Dollars nor more than Two Hundred Dollars. Each day, after said report is due, shall be and constitute a separate and distinct offense.

CHAPTER XXXII.

FIRE DISTRICT AND BRICK, STONE AND CORRUGATED IRON LIMITS.

Article 419. That it shall hereafter be unlawful to erect or build any structure or house of any character of any other material than stone or brick on any lot, lots or parts of lots within the following described districts in the City of Beaumont, which shall constitute the brick and stone limits, to-wit:

Beginning at the corner of Crockett and Neches streets, thence southeast on Neches street 150 feet; thence northeast through Block Number Seventeen (17) of the Van Wormer Addition of the City of Beaumont to Park street; thence southeast on Park street 361 feet; thence northeast 150 feet to the center of Block 51, and

thence southeast through Blocks Number 51 and 50 to Forsythe street; thence northeast on Forsythe street 361 feet; thence southeast through Blocks 39, 38 and 37 to Washington street; thence northeast on Washington street 391 feet; thence northeast through blocks Number 11 and Number 12 and the City Park to a point on Forsythe street 180 feet northeast from Pearl street; thence northeast on Forsythe street 120 feet to Main Street; thence north on Cypress street to a point half way between Mulberry and Tevis streets; thence west through Block 20 to Travis street; thence north 150 feet to Mulberry street; thence west on Mulberry street to Main street; thence northwest on Main street to Calder avenue; thence west on Calder to a point which would be the center of Alamo street if extended; thence south on Alamo street, if extended, to the alley dividing Block Number 20 of the Calder Addition; thence west along the center of said alley to the center of Janes street; thence south on Janes street to the south side of Laurel avenue; thence southwest across the yards and right of way of the Texas & New Orleans Railway to a point where Trinity street intersects with the south line of said right of way; thence southeast on Trinity street to its intersection with Crockett street; thence northeast on said Crockett street to place of beginning.

Article 420. A corrugted iron building shall be construed to mean a building entirely covered with corrugated iron on the outside of same; provided that this Article shall not be construed to prevent the placing of wooden doors and windows and the frames thereof in any of said buildings.

Article 421. **Engineer to Give Lines, When.**—It shall be the duty of the City Engineer, when anyone applies for and obtains a building permit, to see that the building or fence is erected on the proper lines of the party obtaining such permit, who shall properly establish the same, and his decision therein shall be final; and anyone erecting his building or fence on any other line than those given him by the City Engineer, or those estab-

lished by the City Engineer, shall be guilty of a misdemeanor, and upon conviction in the Corporation Court, shall be fined in any sum not to exceed one hundred dollars.

Article 422. **Compensation of the Engineer in Such Cases.**—In all cases arising under the preceding article, when the services of the City Engineer are required, he shall be entitled to charge the party therefor the sum of two dollars, which charge shall if demanded by the city engineer, be paid in advance and if not paid, he may refuse to give the lines hereinbefore provided for.

Article 423. **Duty of Chief of Police and Policemen Under This Chapter.**—That it shall be the duty of the Chief of Police or any policeman of the city, whenever they shall see any building or fence being erected or repaired within the city and they have reason to believe that the same is being erected or repaired without permit, to make a demand of the owner or builder of the same for an inspection of said permit and if the party has no permit, the said officer shall immediately file complaint in the city court against the owner or agent of said property, who shall upon conviction be fined in any sum not exceeding one hundred dollars.

CHAPTER XXXIII.
BUILDING REGULATIONS.

Article 424. **Free Permits.**—That any and all work in the City of Beaumont, consisting of any repairs upon any building or structure where the same is to cost less than $100.00, reasonable plans and specifications of the same shall be submitted to the building inspector and a permit for building taken out as other permits for building in the City of Beaumont and no charge shall be made therefor.

Article 425. **Permits Posted.**—It shall be unlawful for any person to proceed to construct or repair any building or structure within the limits of the City of Beaumont without a permit issued by the City Engineer and approved by the Mayor, posted in a conspicuous place

upon said building or structure and it shall be unlawful for any person to cause or permit or suffer or to assist in any such work being done without such permit so posted.

Article 426. **Plans Submitted and Estimates.**—When any person shall be desirous of erecting, repairing or altering any building or structure within the limits of the City of Beaumont, he shall make an application at the office of the Inspector of Buildings for a permit for that purpose and shall furnish said inspector with a written statement of the locality, dimensions, cost and manner of construction of the proposed building or structure or alterations or repairs of the existing building or structure, with the materials to be used and with plans drawn to scale and specifications of the proposed building or structure, which should be delivered to said inspector and remain in his custody not to exceed four days to allow the necessary examination to be made of the same, and if required by the inspector a copy of said plans and specifications, or any of them shall be filed in the office of said inspector of buildings permanently, after which, if it shall appear to said inspector that the laws and ordinances of the city are complied with, he shall have issued the permit asked for, after collecting from the applicant the following fee according to the following table:

Article 427. **Fees for Permits.**—Fees for permits and for work and material to cost as follows: For permits for work costing from $100.00 to $500.00, one dollar; from $500 to $2000, two dollars shall be charged; one dollar per thousand from $2000 to $10,000. Seventy-five cents per thousand in addition from $10,000 to $20,000. Fifty cents per thousand in addition from $20,000 to $50,000. Twenty-five cents per thousand in addition from $50,000 to $100,000. Twenty-five cents per thousand in addition for all over $100,000. And it shall be unlawful for any person to proceed to construct or repair any building or structure within the limits of the City of Beaumont without such permit issued by said inspector of buildings.

Article 428. **Inspector Shall Keep Blank Forms.**—It shall be the duty of the Inspector of Buildings to obtain and keep in his office forms for the written statements for applicants to fill out, as required in this chapter, said form having proper blanks for the description of the location of the proposed structure to be erected, altered or repaired, number and height of stories, dimensions of joists and timbers, and their distances apart, dimensions of supporting iron work, if any, for what purpose the building or structure is designed and such other information applicable to the proposed improvement as the Inspector may require. Said form shall also contain an agreement that the owner or owners, his or their architect, agent or agents, will in all respects construct the work in accordance with such detailed statements, plans and specifications, and in accordance with the laws and ordinances of the City of Beaumont, which said agreement shall be signed by the owner or owners, his architect, agent or agents.

Article 429. **Brick and Stone Buildings to be Inspected.**—It shall be unlawful for any person or persons to erect, construct or build, or cause to be erected, constructed or built, any brick, iron, granite, stone houses or building or buildings or house partly composed of brick, iron, granite or stone, or to alter any such building so as to make it substantially a new building in the City of Beaumont, unless the same shall have been inspected from time to time by the inspector of buildings and a certificate furnished by him to the effect that said house or building is properly constructed and in all respects safe and secure; and should said inspector award such certificate to any person or persons for any house or buildings, not according to provisions of this chapter, he shall be forthwith dismissed from office by the Mayor and Board of Aldermen in addition to the punishment hrereinafter provided for.

Article 430. **Officers Have Right to Enter Premises.**—All officers appointed under this or any future ordinance shall so far as it may necessary for the perform-

ance of their resective duties, have the right to enter any premises in the City of Beaumont. No house or building now or hereafter built shall be altered until the same has been examined and approved by the inspector as being in a good and safe condition to be altered as proposed and the alteration so made shall conform to the provisions of this chapter, and any other law of the City of Beaumont in relation thereto.

Article 431. **Repairs.**—Any work or addition or alteration made into or upon any house or building, except the necessary repairs not affecting the external or party wall, chimneys, stairways or height of buildings or house, shall to the extent of such work, alteration or addition, be subject to the laws and ordinances of the City of Beaumont. When such changes other than the necessary repairs of wear and tear are desired it will be necessary to make all parts of said building comply with the laws and ordinances of the City of Beaumont if such repairs are reasonably necessary to put said building or house in a safe condition, to be used as intended.

Article 432. **Buildings in Fire Limits.**—No person or persons shall erect, or cause to be erected within the fire limits of the City of Beaumont, any building or addition to a building, the outer walls of which are not composed entirely of brick, stone, concrete or other incombustible material, and the roof thereof covered with slate, tin, zinc, copper, iron, gravel or other equally fireproof roofing; and if any buidling within the limits aforesaid shall be damaged to the extent of one-half thereof it shall be unlawful to rebuild the same unless the outer walls and roof of the portion rebuilt shall be composed entirely of incombustible materials.

Article 433. **Damage to Frame Buildings in Fire Limits.**—Whenever any frame building within the fire limits shall have become damaged from any cause to the extent, in the judgment of the inspector of buildings, one-half of the value of such building, if the owner of the buildings objects to the conclusions arrived at by the said inspector, the Inspector of Buildings shall notify the

Chief of the Fire Department and the City Engineer, and they shall make an examination of the building and make a report to the inspector as to the amount of damage. Whenever such buildings shall be adjudged by such arbitrators to have been damaged to the extent of one-half of its value, such building shall be condemned by the Inspector of Buildings, and it shall be unlawful to repair the same except that repairs on frame buildings in the fire district may be made involving the substitution of material or work made necessary by ordinary wear and tear, and that frame buildings damaged by fire or other similar causes, less than one-half the value of said building, exclusive of the foundation, the walls of said building may be repaired, but no alterations or changes in plans or size of such structure shall be made or other changes which may involve the use or uses other than those for which the structure was originally intended.

Article 434. **Roof in Limits.**—That where any roof in the fire district that does not conform to the fire ordinances is damaged so as to need to be repaired, that, if as much as ten per cent has to be made new, the whole roof shall be repaired with fire proof material.

Article 435. **Fire District.**—That wooden dwellings already permitted and now maintained within the fire limits may be improved by wooden additions not exceeding one-fourth their present floor areas whenever the Building Inspector shall, upon careful inspection of said buildings, find them to be in good condition, and shall find that the same may be allowed without materially increasing the danger from fire and such additions are otherwise unobjectionable, but in no case will any roof be allowed or repairs to any roof that is damaged more than ten per cent without the same be of fireproof material.

Article 436. **Modification of Building Laws.**—Outside the fire limits, when any brick, stone, or concrete building is to be erected of a class that could under the building laws be constructed of wood, the Building Inspector is hereby authorized and directed to allow reasonable modification of the building laws relating to such

building, in consideration of the incombustible material being used for wall instead of wood.

Article 437. **Height of Stories.**—The height for stories for all given thickness of walls, in the City of Beaumont, must not exceed 12 feet in the clear for basement, 18 feet in the clear for first story, 15 feet in the clear for second story, 13 feet in the clear for the third story, 12 feet in the clear for the fourth story, and 14 feet in the clear average height of upper stories. If any stories exceed these heights respectively, the walls of such story and all the stories below the same shall be increased four inches in thickness additional to the thickness hereafter mentioned.

Article 438. **Thickness of Walls.**—In accordance with the foregoing provisions, brick or stone walls for all buildings in the City of Beaumont, unless otherwise specified in the chapter, shall be not less than the thickness designated in the following table:

Enclosing Walls for Brick Buildings.—One story high, basement 13 inches, first story 13 inches. Two stories high, basement 18 inches, first story 13 inches, second story 13 inches. Three stories high, basement 22 inches, first story 18 inches, second story 13 inches, third story 13 inches. Four stories high, basement 27 inches, first story 22 inches, second story 18 inches, third story 13 inches, fourth story 13 inches. Five stories high, basement 27 inches, first story 27 inches, second story 22 inches, third story 18 inches, fourth story 13 inches, fifth story 13 inches. Six stories high, basement 31 inches, first story 27 inches, second story 27 inches, third story 22 inches, fourth story 18 inches, fifth story 13 inches, sixth story 13 inches. Seven stories high, bsement 31 inches, first story 27 inches, second story 27 inches, third story 27 inches, fourth story 22 inches, fifth story 18 inches, sixth story 13 inches, seventh story 13 inches. Or this means that a 13 inch wall means three half-brick thick, an additional thickness means an additional half brick. Party walls in buildings to be four inches thicker than the

above scale. Front and rear walls that are not bearing walls: Enclosing walls for brick buildings. Of 4-story buildings, basements 20 inches, first story 16 inches, second story 16 inches, third story 12 inches, fourth story 12 inches. Of 5-story buildings: Basement 20 inches first story 20 inches, second story 16 inches, third story 16 inches, fourth story 12 inches, fifth story 12 inches. Of 6-story buildings: Basement 24 inches, first story 20 inches, second story 20 inches, third story 16 inches, fourth story 16 inches, fifth story 12 inches, sixth story 12 inches. Of 7-story buildings: Basement 24 inches, first story 20 inches, second story 20 inches, third story 16 inches, fourth story 16 inches, fifth story 16 inches, sixth story 12 inches, seventh story 12 inches.

Partition Walls in Business Buildings That Are Not Bearing Walls—Enclosing Walls for One Story—Basement 13 inches; first story 13 inches. For two stories: Basement 18 inches, first story 13 inches, second story 13 inches. For three stories: Basement 18 inches, first story 18 inches, second story 13 inches, third story 13 inches. Four stories: Basement 22 inches, first story 18 inches, second story 18 inches, third ctory 13 inches, fourth story 18 inches, fifth story 13 inches, sixth inches, first story 22 inches, second story 18 inches, third story 18 inches, fourth story 13 inchets, fifth story 13 inches. For six stories: Basement 27 inches, first story 22 inches, second story 22 inches, third story 18 inches, fourth story 18 inches, fifteh story 13 story 13 inches, sixth story 13 inches.

Article 439. **Definition of Business Building.**—The term "Business Building," as used in this chapter shall include hotels, theatres, churches, school houses, office buildings, store houses and all other buildings used principally for business purposes.

Article 440. **Definition of Store or Warehouse.**—The term "Wholesale store or warehouse building" as nsed in this chapter shall include all buildings used exclusively for purpose of mercantile business or the storage of goods.

Article 441. **Definition of Basement Story.—A** "basement story" as the term is used in this chapter, is defined as a story whose floor is twelve inches or more below the sidewalk, and whose height does not exceed twelve feet in the clear.

Article 442. **Height of Buildings.—How Computed.** —The height of all buildings, as the term is used in this chapter, shall be taken from the grade of the sidewalk to a point half way from the lowest to the highest part of the roof.

Article 443. **Mill Construction.**—In all mill construction buildings that have brick or stone piers properly constructed to exclusively carry all required loads, the face of such piers or pilasters shall be equivalent to one-fourth as much as the space between their centers. The brick or stone walls between piers which carry their own weight only, called the curtain walls, shall be of not less than twelve inches in thickness, from first floor to roof.

Articcle 444. **Walls With Trussed Roof.**—The outside brick or stone walls of rooms, having trussed roof or ceilings, such as churches, public halls, theaters, dining rooms or the like, if more than fifteen or less than twenty-five feet high, shall average at least 18 inches in thickness; if over twenty-five feet high at least 22 inches in thickness; if over forty-five feet high, at least 27 inches in thickness. An increase of four inches in thickness shall be made in all cases where the walls are over one hundred feet long, unless there are cross walls of equal height.

Article 445. **Buttresses.**—If solid buttresses of brick or stone are employed, with a sectional area of three hundred or more square inches, in addition to thickness of brick or stone walls, placed not over eighteen feet centers which extend to or nearly to top of walls, the walls constructed with such buttresses may be four inches less in thickness than required.

Article 446. **Cut Stone Facing.**—Cut stone facing

of walls shall be backed up with brick work of the same thickness as is required where no cut stone is used, in cases where the cut stone is in a great measure self-supporting, four inches less thickness of brick backing may be used. Ashler floats, properly bonded to the brick work, may have backing same as self-supporting stone fronts or walls.

Article 447. **Party Walls.**—Any party wall now existing that shall have been built conformable to the requirements of this chapter, regulating the construction of such walls, if sound and in good condition, may be used in the construction of any adjoining building. Provided, however, that no additional height shall be given to the wall, unless the thickness of such additional wall in each story shall at least equal the thickness required for party walls. This section shall apply in all cases where it is desired to add additional height to any business building. In case of outside walls of any business building being built against the wall of any old building (not being a party wall) the new wall should be of the same thickness as required for outside walls in such buildings.

Article 448. **Walls for Two-story Business and Dwelling Houses.**—All brick or stone buildings in the City of Beaumont, such as dwellings and combination buildings, having the first story of basement and first story designed for business purposes, and the upper stories for dwellings, the first story being not more than thirty inches above grade of sidewalks, shall have walls of the thickness as follows: For two-story and basement buildings, the basement wall 18 inches and the first story wall 13 inches, second story wall 13 inches. For three-story and basement buildings: Basement and first story walls 18 inches, second and third story walls 13 inches. For four story buildings: The basement walls 22 inches, first and second stories 18 inches, third and fourth stories 13 inches.

Article 449. **Fire Walls on Brick or Stone Dwell-**

ings.—All brick or stone dwelling houses, including those having the first story used for business purposes and all other brick or stone buildings that have flat roofs shall have all the walls (except the front walls) extend eighteen inches above the roof, and not less than thirteen inches thick, and shall have proper copings of incombustible materials. Double pitched roofs shall have their division and side walls carried up forming fire walls in the same manner.

Article 450. **Fire Walls in Business Buildings.**—All brick or stone business buildings, more than two stories high, having flat roofs shall have their side and rear walls carried up not less than two feet at any point except where it joins front wall, two feet above the roof, division of party walls not less than three feet from wall, three feet above, forming division of party walls not less than thirteen inches except where it joins front walls and shall have copings of incombustible materials. On such buildings front walls must be not less than eighteen inches above roof. Division and party walls shall extend through mansard or other steep roofs not less than sixteen inches, and shall have copings the same as other fire walls.

Article 451. **Chimneys and Flues.**—In all buildings ordinary flues or chimneys shall not have less than four-inch walls, and no chimney top shall be less than three feet above roof (for flat roofs), and three feet above the ridge of any pitched roofs. Flues larger than 234 square inches and less than 378 shall be enclosed with walls not less than eight inches thick. Flues larger than 378 square inches and less than 546 square inches shall have inclosed wall not less than thirteen inches thick. The tops of these chimneys shall be at least eight feet above the highest part of the roof. Flues having eight or twelve inch walls shall be lined with fire brick from the bottom of the flue to a distance of five feet above the inlet of the funnel; the remainder of the flue shall be plastered inside.

Article 452. **Chimneys and Flues.**—The provisions of the foregoing sections as to the thickness of the walls pertaining to chimneys shall be applicable only to such chimneys as are a part of or situated in any building. Flues in party walls shall not extend beyond the center of the walls, joint flues in part shall be separated by a four inch width of brick for their entire height. Any chimney or flue not forming a part of wall shall rest upon the ground with a proper foundation.

Article 453. **Flues and Chimneys to Have Terra Cotta Linings.**—Every smoke flue shall be lined on the inside with either cast iron or fireproof terra cotta pipe from the bottom of the flue or from the throat of the fire place, if the flue starts from the latter, the foregoing to apply only to flues having four-inch walls, and carried up continuously to the extreme height of the flue or chimney. The ends of all such pipe linings shall be made to fit close together, and the lining shall be built in as the flue or flues are carried up. All the flues and chimneys shall start on proper foundations, same to extend down to the depth of any wall that they may connect with.

Article 454. **Foundations.**—Proper foundations of masonry shall be prepared for the support of brick or stone buildings, and no foundation shall be less than two feet below the exposed surface of the ground. The breadth of the foundations of the several parts of any such buildings shall be proportioned so that as nearly as practicable, the pressure shall equal on each square foot of the foundation. Cement mortar shall be used in the masonry of all foundations up to building grade. Good, solid, natural earth shall be deemed to safely sustain a load of three tons to the superficial foot, and the width of footing courses shall be at least sufficient to meet these requirements. In computing the width of walls a cubic foot of brick shall be deemed to weigh one hundred and fifteen pounds (115). Sandstone, marble, granite and other kinds of building stone shall be deemed to weigh one hundred and sixty (160) pounds per cubic

foot. The safe bearing load to apply to first-class brick work laid in good lime mortar shall be taken at eight (8) tons per superficial foot, and when good lime and cement mortar is used, shall be taken at ten (10) tons per superficial foot and twelve tons per superficial foot when good cement mortar is used.

Article 455. **Piling.**—Piles driven for a brick or stone wall to rest upon shall be not less than eight (8) inches in diameter at the smallest end, and shall be placed not more than three feet on centers in direction of the length of the wall and nearer if required by the Inspector. The inspector shall determine the rate at which piles shall be cut off. Brick or stone walls when not exceeding twenty feet in height where piling is necessary may rest on a single row of piles. If deemed advisable by the inspector such walls exceeding twenty feet in height shall rest on not less than two rows of piles. Extra piles shall be driven where required by the inspector.

Article 456. **Heading Course.**—In brick walls every sixth course shall be headers. Walls shall be securely anchored to the timbers. Joists resting on walls shall be anchored thereto at intervals not greater than six feet eight inches.

Article 457. **Hollow Walls.**—Hollow brick walls not bearing walls, may be used in all cases, but all hollow walls shall be bonded or tied together with incombustible anchors placed not more than seven courses apart or 20 inches.

Article 458. **No Timber in Walls.**—No timbers except lathing strips, bond timbers and wood brick shall be used in any wall of any brick or stone buildings, except arch forms for interior arch openings. Walls of brick or stone buildings on which the ends of beams rest shall be anchored at each tier of beams with good, strong, wrought iron anchors, at least one-half inch by one and one-half inches, or three-quarters inch round iron, well built into the walls and fastened at the side one-third

from the bottom; and where the beams are supported by girders the ends of the beams resting on girders shall be butted together, end to end, and strapped with wrought iron straps or tie irons, and shall be well fastened.

Article 459. **Piers.**—All piers shall be built of best quality of stone or of good, well burnt hard brick, laid in cement and sand mortar, and well wet when laid in warm dry weather. Brick or stone piers under lintels, girders or columns of brick or stone buildings, over one story high shall have a cap of iron at least one and one-half (1 1-2) inches thick, the full size of pier. Brick or stone piers or buttresses shall be bonded with through courses, level and bedded each course, and where their foundations rest on piles a sufficient number shall be driven to insure a proper support.

Article 460. **Backing of Iron Front.**—The backing of any iron front that is not wholly self-supporting shall be treated as an independent wall. If the iron is self-supporting then the party wall shall be extended to meet the outer thickness of iron and all vacancies shall be filled with granite to insure complete separation of adjoining building.

Article 461. **Sky Lights.—Glass in All Exposed.**—No uncovered tar, composition, resin, felt or woodwork shall in any way be exposed on any roof or appendages within the fire limits.

Article 462. **Sky Lights.**—Glass in all sky lights, if not prismatic lights, wire or ribbed glass, shall be protected by screens made of No. 10 (or heavier) wire with meshes not exceeding one inch; such screens to be secured to the sash and kept at least four inches above the glass.

Article 463. **Leaders.**—All buildings now or hereafter erected shall be kept provided with securely fastened metallic leaders, with sufficient capacity to conduct the water from the roof to the ground or sewer or

street, gutter in such manner as shall protect the walls and foundations from damage; and in no case shall the water from such leaders, or otherwise be allowed to flow upon the sidewalks, but shall be conducted by drain pipes to the street gutter, or sewer.

Article 464. **Cornices, etc.**—All cornices, gutters, eaves and parapets and other projections or appendages which project over the sidewalk, above the first story of business buildings and above thirty feet from grade of sidewalk on all other buildings, shall be made of incombustible materials.

Article 465. **Roofs to Be Accessible.**—All roofs including the roofs of dwelling houses more than one story shall be so constructed as to be reached by a scuttle or by iron steps fastened to the outside of the outer wall. If by scuttle, the same shall be at least twenty by thirty inches, the frame and lid covered with metal, and shall have a stationary ladder communicating with such scuttle.

Article 466. **Stand Pipes.**—In every building exceeding 25 and not over one hundred and twenty-five feet in height, there shall be provided a vertical stand pipe of not less than four inches in diameter. In every building exceeding one hundred and twenty-five feet in height there shall be provided a vertical stand pipe of not less than six inches in diameter.

These stand pipes shall be of wrought iron or steel galvanized, and together with fittings and connections, shall be of such strength as to safely withstand at least three hundred pounds water pressure to the square inch when installed and ready for service; also to stand such a test without leaking at joints, valves or fittings. Standpipes shall be located within fire proof stairway inclosures where the latter are of such construction and as near stairways as possible, where they are not so enclosed.

In buildings exceeding one hundred feet deep fronting on two or more streets there shall be a stand pipe at each end of the building, and in large area buildings there shall be one stand pipe to each stairway, or within each stairway enclosure. Where more than one stand pipe is required in a building they shall be connected at their bases by pipe of size equal to that of the largest stand pipe, so that water from any source will supply all the stand pipes.

Stand pipes shall extend from the cellar to and through the roof with a hose connection located from four to six feet above floor level fitted with approved straightway composition gate valve in each story, including cellar, and a hose connection provided above the roof with the valve controlling latter, located in the stand pipe under the roof and arranged to be operated both from above and below the roof. A suitable three-quarter inch drain pipe and valve shall be provided under the roof for each roof connection.

Article 467. **Hose to Be Supplied.**—Hose sufficient to reach all parts of the floor shall be attached to each outlet in the building, and hose for roof hydrant may be placed on rack in top floor near the scuttle leading to the roof. Hose shall be two and one-half or two and five-eights inches in diameter, in fifty foot lengths, and provided with standard couplings at each end, all couplings to be of same hose thread as that in use by the fire department.

Article 468. **Hose to Be Approved.**—Linen, cotton, rubber lined or rubber made under specifications recommended by the National Board of Fire Underwriters.

Each line of hose shall be provided with washers at both ends, and be fitted with play pipe handles at the bases and with discharge outlets not less than three-quarters inch in diameter. One spanner to be located at each hose connection throughout the building.

Article 469. **Stand Pipe Connections.**—All stand pipes shall be approved with a Siamese Steamer connec-

tion located on the outside of the building, about one foot above the curve level, and where building fronts on two or more streets connection to be provided on each street front. Inlet pipe from steamer connection to stand pipe to be not less than the diameter of the largest stand pipe. The thread on the Siamese connection shall be uniform with that used by the fire department. Siamese steamer connection shall be provided with check valves in the "Y" and substantial caps provided to protect thread on the connection. The steamer connection fitting should be adjusted looking down at an angle of forty-five degrees. A suitable iron plate with raised letters shall be secured to the wall near the steamer connection, reading: "to Stand pipes."

Article 470. **Check Valves.**—In each connection pipe just inside the building in a horizontal section shall be placed a straightway check valve, but not a gate valve. A drip pipe with valve to same shall be placed between said check valve and the steamer connection to properly drain this section to prevent freezing.

Article 471. **Water Supply.**—In addition to the provision made for steamer connection to stand pipes the water supply must be from city water where pressure is sufficient, automatic fire pump of five hundred gallons or more capacity per minute, elevated tank or steel pressure tank of not less than five thousand gallons capacity. In all buildings coming under these regulations as to height which are occupied for living or sleeping purposes, such as hotels, lodging houses, hospitals and asylums, the stand pipe system must have at least one of the approved automatic supplies before described. Where a stand pipe is connected to a tank there shall be a straightway check valve in a horizontal section or pipe connecting pipe and tank, and said tank must be filled by a separate pipe and not through the stand pipe.

Article 472. **Pumps.**—Where pumps constituting a supply to stand pipes are located in the lowest story of a building, they shall be placed not less than two feet above the floor level, and boilers upon which pump de-

pends for steam shall be arranged so that flooding of fires under same will be impossible. In every building exceeding one hundred and twenty-five feet in height, at least one passenger elevator shall be kept in readiness for immediate use by the fire department during all hours of the night and day, including holidays and Sundays.

Article 473. **Responsibility for Failure to Comply With This Section.**—For any failure to comply with any provisions contained in this section the owner, lessee, tenant, and person in charge or control of the building, are each and all responsible, and for any failure to connect any of the stand pipes, fire appliances or sprinkler pipes specified and waterworks system of the city, or with some adequate source of water supply, the said owner, lessee, tenant and person in control or in charge, are each and all responsible, and any person violating any provision of or contained in said chapter shall be punished as provided in the last article of this chapter.

Article 474. **Auxiliary Fire Appliances.**—All existing buildings and those hereafter erected exceeding one hundred and twenty-five feet in height, shall be provided with auxiliary fire apparatus and appliances, such as wrenches, spanners, fire extinguishers, axes and pails, as may be required by the chief of the fire department; and all of said apparatus to conform in design to those in use by the fire department.

Article 475. **Woodwork to Clear Flues.**—All floor beams, joists and headers shall be kept at least two inches clear of any wall enclosing a fire flue or chimney breast, and the space left between the framing and such flue shall be filled with gauged mortar, a heavy coat of plastering shall be put on the outside face of the flues before any other woodwork shall be placed against it.

Article 476.— **Strength of Floors.**—All floors shall be constructed to bear a safe weight per superficial foot, exclusive of material as follows: For dwelling, tenements or lodging houses, not less than seventy pounds;

for store houses and ware houses not less than one hundred and seventy-five pounds; machine shops, armories and drill rooms, not less than two hundred and fifty pounds; for light mechanical purposes, not less than one hundred and twenty pounds. In all calculations for the strength of the materials to be used in any building, the proportion between the safe weight shall be as one to four for all beams, girders and other pieces subjected to a cross strain, and as one to six for all posts, columns and other vertical supports, and for all the beams and other pieces subjected to a tensile strain, the requisite dimensions of each piece of material to be ascertained by computation, by rules given by the best authorities using for constants in the rules only such numbers as have been deduced from experiments on materials of like kind to that proposed to be used.

Article 477. **Wooden Lintels.**—No brick or stone wall, piers or abutments shall be supported upon wooden en lintels, girders or columns in connection with a building more than one story in height.

Article 478. **Joists in Brick Walls.**—Ends of joists or beams entering a brick wall shall be cut not less than two and one-half (2 1-2) inches bevel, so as not to disturb the brick by deflection or breaking of the joists or beams. All such joists or timbers entering a party wall or division wall from opposite sides shall have at least four inches of solid brick work between the ends of such timbers or joists.

Article 479. **Joists and Girders.**—Joists and girders in any building shall be of proper dimensions to sustain the load designated to be placed upon them. Girders may rest upon piers of brick or stone, or upon columns of wood or iron of proper dimensions. All floor joists shall be properly bridged with cross bridges. All headers in flooring, framing of business buildings that are placed at a greater distance than two feet from the end of a trimmer shall be fixed in proper iron stirrups, and in dwellings shall be doubled of the same sizes used otherwise.

Article 480. **Brick.**—All brick walls and buttresses shall be merchantable, well shaped brick, well laid and bedded, with well filled joints, in lime or cement mortar, and all brick used during the warm, dry weather shall be wet at the time they are laid and shall be dry at the time they are laid during the cold weather.

Article 481. **Recesses.**—No continuous verticle recesses, chase or flue, shall be made in any party wall so deep that it will leave the thickness of the back less than eight (8) inches at any point and no recess of any kind shall be made in any eight (8) inch wall. No horizontal recess shall be made in any wall. No continuous vertical recess, other than flues in stacks, shall be nearer than seven feet to any other recess, and such chases or recesses shall be marked on plans so as to be built in as the work progresses.

Article 482. **Fire Proof Doors and Shutters.**—All stores, store houses, mills and manufactories which are more than two stories high, shall have doors, blinds, shutters made of standard fire proof construction, on every window or entrance where the same do not enter upon a street or alley of 30 feet or more in width. When any such building the shutters, blinds or doors cannot be put on the outside, wired glass, hung in iron frames, independent of any wood work, shall be used to fill openings. Shutters above the first floor shall be arranged so that they can be opened from the outside. Wired glass in secure iron frames shall be regarded as an equivalent to iron shutters.

Article 483. **Fire Escapes.**—All buildings, three stories or more in height, not including basements, any portion of which above the second story is used as a factory, workshop, lodge room, store or store-building, or public hall shall have thereupon suitable, and substantial fire escapes of the following character, of steel:

Brackets must not be less than one-half by one and three-quarters inch wrought iron, placed edgewise or one

and three-quarters with angle iron, well braced and not more than three feet apart, and the brackets must be not less than 3-4 inch square, wrought iron, and must extend two-thirds of the width of the respective brackets or balconies. In all cases the brackets must go through the wall, and be turned down three inches. Brackets on new buildings must be set as the walls are built. When brackets are put on old houses, the part going through the walls should not be less than one inch in diameter, with screws, nuts and washers not less than five inches square and one-half inch thick.

Article 484. **Building Inspector and Chief of Fire Department Locate Fire Escapes.**—The chief of the Fire Department and the Building Inspector shall constitute a board to pass on the fire escapes, and no fire escape will be accepted without their approval, and they shall have authority to decide the number and location of all fire escapes on buildings.

Article 485. **Unlawful Not to Erect Fire Escapes.**—It shall be unlawful for any owner of any such building or for any agent representing such owner to fail or neglect to place fire escapes on any building as provided by this chapter.

Article 486. **Fire Escapes to Be Kept in Repair.**—After fire escapes have been placed on any building in compliance with the provisions of this chapter, and the same shall become unsafe or in need of change or repair in order to make the same safe, the chief or acting chief of the Fire Department shall serve notice to make such repairs or change within ten days. And it shall be the duty of the owner or agent representing such owner to have such change or repairs made within the time as required by the notice.

Article 487. **Awnings.**—When awnings are attached to buildings the frame work shall be of metal. All awnings shall be seven feet clear of sidewalk when down.

Article 488. **Exits.**—All egress openings in public halls shall have the word "exit" conspicuously placed

over them. The aisles in such halls shall at all times be kept unobstructed. Doors of all exits from public halls, schools, churches, theaters and all buildings of like character to open outward in all cases.

Article 489. **Chimney in Brick Wall.**—All floor timbers, headers and trimmers, of every brick building hereafter erected or altered, in which a chimney is to be built in a brick wall, shall be placed two inches distant from the outside of every chimney flue, and the space between such brick work and timbers shall be closed by a proper fire stop of incombustible material.

Article 490. **Heating Apparatus.** — That if any chimney flue or heating apparatus on any premises shall endanger the premises, the inspector shall at once notify in writing the owner or agent of said premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to place such chimney, flue or heating apparatus in safe condition, he shall be liable to a fine, as prescribed in this ordinance.

Article 491. **Furnace and Ranges.**—No furnace and ranges set in masonry shall hereafter be placed, or its location changed, in any building, except as the inspector shall approve.

Article 492. **Chimney Flue.**—Chimneys and flues for the entire height shall have the brick laid flat. Brick laid on edge will not be allowed except for row lock arches over fire places and for hearths.

Article 493. **Elevator Shafts.**—Whenever elevator shafts, hatchways or well holes of any description are near windows, said windows shall have strong iron guards to extend at least two-thirds of the height of the windows.

Artcle 494. **Flats and Tenement Houses.**—In all tenement houses, apartment houses or flat buildings, which shall hereafter be built, all rooms used as living apartments, toilet or bath rooms, shall have outside light

and ventilation (exclusive of sky-light). No courts shall be less than six feet wide.

Article 495. **Temporary Rough Floor in Building.**—It shall be the duty of party or parties, having charge of the construction of any new buildings, to have the joists or girders on each floor above the second floor covered with rough scaffold boards, or other suitable material as the work progresses, so as to sufficiently protect the workmen from falling through such joists or girders, and to protect the workmen or others who may be under or below each floor from falling brick, tools, motar or other substances, whereby accidents may happen, injuries occur and life and limb endangered. Also protect all well holes in floor, elevator openings and stairways with strong railings. Provided, the party or parties above mentioned may move said rough floor or scaffolding upward as the work progresses, keeping at all times the top floor covered as specified above.

Article 496. **Veneered Buildings.**—Veneered frame buildings shall have foundation walls not less than twelve inches thick, with sills back from outside of wall six inches and sheeted up outside with sheathing boards 7-8 inches thick, put on, and the brick work tied back to sheathing every sixth course with iron and anchors, one to each brick.

Article 497. **Openings.—Basement Walls.**—All openings must be closed in either brick arches, stone or iron. Brick must not in any case be supported with wood. In frame buildings not over two stories in height having basement walls not over twelve feet high, the said basement walls may be built of brick or Portland cement, concrete nine inches in thickness, if provided with proper buttresses or cross walls for support, with centers not over eight feet apart. In the event the basement walls are not over twelve feet high the same shall be governed by Article 438 of this code relating to thickness of walls.

Article 498. **Foundation Walls.**—All concrete walls

for foundation shall not be less than the thickness required for brick walls. Ruble stone walls may be used not less than 16 inches in thickness for the above walls 12 feet in height.

Article 499. **Piers.**—All such buildings shall be supported by piers built acording to the following regulations:

First—Same shall not be farther apart than eight feet on the center.

Second—Piers 6 feet high shall be 9 x 12 inches. Piers 7 feet high shall not be less than 9 x 22 inches. Piers 8 feet high shall not be less than 13 x 18 inches. Piers 12 feet high shall not be less than 13 x 22 inches. Piers over 12 feet high shall be built in proportion.

All foundation walls shall be provided with footings properly proportioned to carry the supermised loads on the said walls where they are used.

No 4-inch curtain walls between piers over 8 feet high will be allowed. Sills for frame buildings must not be less than 4 x 8 inches for one-story dwellings. For two-story dwellings not less than 4 x 10 inches. Joists for frame dwellings 2 x 8 inches shall not be over 14 feet between bearings. Joists for frame dwellings 2 x 10 inches shall not be over 18 feet between bearings. They shall not be over 24 inches on centers; 2 x 4 ceiling joists shall not be over 12 feet between bearings; 2 x 6 inch ceiling joists shall not be over 18 feet between bearings.

Article 500. **Foundation Walls for Brick Residences.**—One-story brick dwellings used for residences, with ceilings not over 11 feet high, may have foundation walls 13 inches thick, and superstructure walls nine inches thick.

Article 501. **Unsafe Structure to be Torn Down.**—The owner, agent or other party having an interest in any building, staging or other structure which shall be unsafe, so as to endanger life, shall immediately upon notice received from the Inspector of Buildings, cause

the same to be made safe and secure or taken down; and when public safety requires immediate action the Inspector may enter the premises, with such assistants as may be necessary, and cause the said structure to be secured or taken down without delay, at the expense of said owner, agent or party interested No staging or stand for observation purposes shall be constructed or occupied upon the roof of any building.

Article 502. **Persons Erecting Any Building to Keep Sidewalk Open and Erect Suitable Coverings.**—All persons erecting or improving any building in the city shall keep the sidewalk in front or on the side of such building open and clear for the passage of persons along the street. When such houses, structures, or improvements shall extend above one story it shall be the duty of the builders, architects or owner to erect a temporary shed or structure over the sidewalk adjacent to which said improvement is being made with a roof of sufficient strength to resist the force of all material which may fall from the walls of said improvements as the work progresses, and which will protect those passing along the sidewalk. Such shed or structure shall be so erected as not to interfere with or obstruct public travel, and not to injure the street, curbing, guttering or sidewalk, and shall be removed after the completion of said house.

Aticle 503. **Penalty.**—Any person violating any provision contained in any section of this chapter shall be fined not less than five dollars nor more than two hundred dollars. Any person who causes, permits or suffers any work to be done in violation of any provision contained in any section of this chapter, shall in addition to the punishment provided for herein, for each day that such work is maintained in such unlawful condition, be fined not less than five dollars nor more than two hundred dollars.

Article 504. **Shall Inspect Buildings in Course of Construction.**—It shall be the duty of the Building Inspec-

tor to visit and inspect any house or building which may be in the course of erection, construction or alteration, within the limits of the City of Beaumont, to see that such house or building is being erected, constructed or alterel according to the provisions oi this chapter and all ordinances in force in said City of Beaumont, and to see that the proper plans are adopted for the security thereof against fires and the safety of the occupants; that the material used is suitable for the purpose, and that work is done in a substantial and workmanlike manner and is of sufficient strength and solidity to answer the purpose for which it is designed.

Article 505. **Electric Signs Permitted.**—It shall be lawful for any person, firm or corporation to erect and maintain over any sidewalk, across streets, avenues or alleys in the City of Beaumont electric illuminating signs, as hereinafter prescribed and for the purpose of this chapter, an electric illuminated sign is hereby declared to be any sign constructed as follows:

(a) Signs of which all or any part of each letter is made entirely of metal, no wood being used in construction of the electric letter proper, letters being studded in full outline with electric lights, signs with transparent illuminated letters or having a border of incandescent lamps, but no sign shall have less than one lamp for every one and one-half square foot of sign surface. To this class of signs may be attached name of firm or brief description of business, which may consist either of raised letters or printed letters on panels, provided, panels are made part of sign rigidly attached thereto and incorporated in the sign; and provided, also, this addition does not come within nine feet of the pavement as provided in this chapter, and provided, that the entire sign surface, of which this addition is to be made a part, meets the requirements of one lamp for every one and one-half square foot of sign surface.

(b) Any solid metal sign with border of electric lights having no less than one lamp for every one and one-half

square foot of sign surface. All signs to be wired according to the rules and regulations of the City of Beaumont.

Article 506. **Conditions.**—Signs erected under the authority contained in this chapter and overhanging any sidewalk must be placed at least nine feet above the sidewalk, and shall not extend more than eight feet from building line over sidewalks and not more than three feet in alleys, while perpendicular signs may be set from the building to be clear from bay windows and both sides of all horizontal and perpendicular signs must be equally illuminated where they project over the street or sidewalks as above described; and such signs erected under the provisions of this chapter must be fully illuminated each and every night from dusk until the hours of 9:30 P. M. or longer; and on failure to comply with such requirement, the city shall cause these signs to be removed at the owner's expense.

Article 507. **Permit to be Obtained.**—All persons, firms or corporations erecting signs under the provisions of this chapter shall first obtain a written permit to do so from the proper authorized City Building Inspector, for which a fee of one dollar must be paid, and the same shall be erected under his supervision; and the electric construction of same shall be inspected and approved by the proper authorized electrical inspector before the current is turned on.

Article 508. **Defective Signs to be Repaired.**—If at any time any of the signs erected under the provisions of this chapter shall become defective, unsafe or dangerous to the public, the same shall be repaired or adjusted at the expense of the owner in such a manner as may be directed by the Building Inspector.

Article 509. **Shall Indemnify City.**—All persons, firms or corporations, erecting, using and maintaining such signs shall save the city harmless from all damages arising from the erection, use and maintenance of the same.

Article 510. **Penalty.**—Any person, persons, firms or corporations violating any of the foregoing articles shall be guilty of misdemeanor and subject to a fine of $5.00 to $200.00.

Article 511. **Refusing to Move Wooden Building.**—The owner or any person having control of a wooden building within the fire limits of the city, which has been erected by permission of and is subject to be removed by direction of the Mayor and City Council, who neglects or refuses to remove such building within reasonable time after being notified to do so by the Chief of Police or other city officer acting under the direction of the City Council must on conviction, be fined not less than five nor more than two hundred dollars.

Article 512. **No Wooden Buildings in Fire Limits.**—It shall be unlawful to construct, renew or repair any wooden building or any part thereof within the fire limits or to remove any wooden building to any point within said limits; nor shall any roof or cornice to such building be constructed, renewed or repaired within the fire limits with any material not fire proof, except as specifically provided in the building laws.

Article 513. **What Constitutes a Wooden Building.**—Any building having more wood on the outside of the building than that required for the door and window frames, doors, sash and wooden steps, shall constitute and be deemed a wooden building, and this ordinance shall not be so construed as to allow use of sheet iron or tin in the structure of the sides or fronts of buildings or otherwise than as a roof. Any person violating or attempting to violate any of the provisions of this section shall be fined not less than five dollars nor more than two hundred dollars for each offense, and the building, roof, cornice or other structures so erected or renewed in violation of law shall be taken down and removed.

Article 514. **Unlawful to Erect Building in Violation of Ordinances, When so Erected to be Removed.**—Any person erecting or causing to be erected in the fire

limits of the City of Beaumont any building or structure contrary to the laws or ordinances of the city shall be fined not less than five nor more than two hundred dollars. In case any building or structure be erected in said city contrary to the laws and ordinances of the city, same shall be pulled down or removed upon ten day's notice from the Chief of Police or other officer by order of the Mayor; and after notice to remove such building it shall be unlawful for the owner, proprietor, lessee or their agents or employees, to occupy such building any portion of the day or night; and any persons violating the provisions of this ordinance, for each day's offense shall be fined not less than five nor more than two hundred dollars.

Article 515. **No Sheds in Front of Buildings nor Posts in Sidewalks Within Fire Limits.**—No shed shall be erected in front of any building nor shall any posts, except hitching posts, or posts for wires be placed on or in the sidewalk in front of any building within the fire limits of the city.

Article 516. **Unlawful to Obstruct Fire Hydrants.**—It shall be unlawful for any person to place any building material. or any other obstruction whatever, within five feet of any public hydrant or fire plug,and any person offending shall be fined not less than ten nor more than fifty dollars.

Article 517. **Awnings to be Seven Feet from the Ground.**—It shall be unlawful for any owner or tenant, or other person having control over any building to erect, keep, maintain or permit thereon, any awning which shall be less than seven feet from the lowest portion thereof to the sidewalk, street or alley beneath. Any person violating this section, shall on conviction, be fined not less than five nor more than two hundred dollars.

Article 518. **Obstructing Sidewalks with Building Material.**—Any person who places any building material upon the sidewalks of the city, or anything that will prevent the free passage of people or any person who al-

lows building material to be placed upon any part of the street longer than thirty days, without the written permission of the Mayor and person laying conducting pipes in the streets of the city, who shall fail to place the street in a good condition after the work is finished as they found them or shall fail to fill them in less than five days, shall be punished as provided in Article 560 of this Code.

Article 519. **Leaving Excavations or Obstructions in Street.**—Any person who leaves any excavation in any street or sidewalk, or any material while building or repairing any house or other structure, in such condition as to endanger persons passing along the street or sidewalk, must, on conviction, be punished as provided in Article 560 of this Code.

Article 520. **Failure to Remove Structures Dangerous to Passers-by.**—Any person who neglects or refuses for twenty-four hours to remove any chimney, wall or other part of any building or structure which has been or may be dangerous to passers-by, to persons on the premises or to adjoining property, after receiving due notice from the Mayor or Chief of Police, Building Inspector, or other authorized city officers, must, on conviction, be punished as provided in Article 560 of this Code.

Article 521. **Leaving Opening Uncovered.**—Any person who leaves open or causes to be left open any cellar or vault door or grating, when the same is not in actual use, or at night, or who suffers any sidewalk in front or along the line of his premises to become or to continue so broken, or so much out of repairs as to endanger life or limb; or who permits other excavations to remain open or uncovered to the danger of others, must on conviction be punished as provided in Article 560 of this Code.

Article 522. **Tent and Wagons.**—That no tent, wagon or other wooden or canvass structure of like kind or character or partly wooden or partly canvas struc-

ture of like kind or character shall be used for any place of business, on any property in the City of Beaumont, where a frame building is not allowed under the building laws of the city, except on special permit granted by the City Council, and that any and all such structures now used in violation of this ordinance, shall obtain such special permits within thirty days hereafter, otherwise the same are hereby declared to be nuisances, and each person, firm or corporation, causing, permitting or suffering the same to remain in violation of this ordinance shall be punished as provided in Article 560 of this Code.

Article 523. **Creation of the Board.**—There shall be in the City of Beaumont a Board to be called the Board of Appeal to which an applicant who has been refused a permit, or the holder of a permit which has been revoked by the Inspector of Buildings may appeal for an order, requiring the said Inspector to issue or re-issue such permit to said applicant.

Article 524. **Organization.**—Such Board of Appeal shall be composed of the Mayor, City Engineer and Chief of Fire Department. Whenever for any reason a member of such Board cannot be present at a called meeting thereof, his first assistant in office shall act in his stead. Such assistant shall act only in matters for the consideration of which such meeting was called.

Article 525. **Applicant.**—The applicant may be represented by counsel and one expert whom he may select at his own expense.

Article 526. **Powers of Board.**—The said Board shall have power to call in such other testimony bearing upon the case as he sees fit. Should such Board, or a majority thereof, be of the opinion that the Inspector's refusal to issue the permit applied for, or that the revocation of such permit was unauthorized, they shall in writing, order the said Inspector to issue or re-issue such permit, and the Inspector shall immediately upon the receipt thereof, accompanied by the required fees, if any, comply therewith.

Article 527. **Electric Theatres.**—Theatres or Auditoriums hereinafter called electric theatres shall not be constructed, fitted up or operated or licensed until a permit therefor has been issued by the Building Inspector and the City Electrician. Said officers are hereby directed and authorized to issue such permits for electric theatres provided they are constructed in accordance with plans approved by them and which plans secure the safety of persons patronizing same.

That all wiring in such theatres shall be installed in conduits under the direct superivsion of the City Electrician and where he condemns any such wiring same shall be re-installed under his direction, and where he condemns wiring hereinafter installed, same shall likewise be re-installed, and in all cases where the owner or operators of such electric theatres refuse to conform to the direction of the City Eelectrician, in the matters herein mentioned, the license therefor shall be ipso facto void, and such electric theatres shall be immediately closed as unsafe for patronage.

Article 528. **Fuses.**—That all fuses used in connection with lights illuminating the parts of the houses, room or auditorium used by the audience must be installed in fire proof inclosures, so constructed that there will be a space of at least six inches between the fuse and the sides and face of the enclosure.

Article 529. **Exits.**—That all exits shall be plainly indicated by a sign, same to be illuminated by other than electricity and bear the word "Exit" the letters of which must not be less than four inches in height.

Article 530. **Lights.**—The inside lights and all lights in halls, corridors or any other part of the building used by the audience, except the general auditorium lights, must be fed independently of the stage light and must be controlled only from the lobby or other convenient place in front of the house, and there must be two circuits in to the auditorium, one controlled by the operator in booth and one controlled from without the auditorium in lobby or without the entrance.

That every portion of the building devoted to the use or accomodation of the public, all outlets leading to the streets, all open courts, corridors, hallways and exits shall be thoroughly lighted during every performance and the same shall remain lighted until the entire audience has left the premises. One 16-candle power incandescent lamp for every four hundred square feet of floor surface is hereby ordained as sufficient illumination.

Article 531. **Construction of Arc Lamps.**—That each arc lamp used as part of the moving picture machines must be constructed as directed by the City Electrician and the wiring of same must not be less capacity than No. 6 B. & S. gauge. That rheostats must conform to rheostat requirements as directed by the City Electrician.

That top reel must be incased in an iron box, which box has a hole at the bottom only large enough for films to pass through, and cover therefor so arranged that this hole can be closed. No solder to be used in the construction of this box.

That handle of crank used for operating the machine must be secured to the spindle or shaft so that there will be no liability of such handle or cranking coming off or allowing film to stop in front of the lamp.

That shutter must be placed in front of the condenser arranged so as to be closed normally, subject to open only by outside pressure of the foot.

That extra films must be kept in a metal box having a tight fitting cover. That said machines must be operated by hand. Motor driven machines are hereby prohibited.

Article 532. **Enclosing the Machine.**—That the picture machine must be placed in an enclosure or house made or lined with fire proof material, thoroughly ventilated and large enough for the operator to walk freely on either side or back of the machine. Such enclosure or house must have no openings into the auditorium other than the opening where the light for the picture

is emitted, and this opening must be provided with fire proof covering or door hinged with spring hinges opening by a trigger which is in reach of the operator, so that it can be released by hand, and which door must be constructed so that it can be securely closed. Furthermore, if the City Electrician and Building Inspector decide that the arrangements are such as would require it, such door must be so arranged that it may be released automatically. All other openings such as vents and entrances to the enclosures must open into some other part of the building or theatre than the main auditorium. No electrical pictures or material of any kind will be permitted in the operating booth other than that picture machine and its accessories.

Article 533. **Penalty.**—That any person, firm or corporation, their agents or employees, constructing, operating or managing electric theatres or auditoriums where moving pictures are displayed, or similar theatres in violation of the terms of this ordinance, shall on conviction, be punished by a fine of not less than five dollars nor more than one hundred dollars, each day's operation to be held a separate offense.

Article 534. **Furnace Pipes.**—In all cases whether hot water or steam, hot air or other furnaces are used for the heating of any building in the City of Beaumont, the furnace pipes must be kept at least two (2) feet below the beams or ceiling above the same, unless said beams or ceiling shall be properly protected by a shield, or tin place suspended above said smoke pipe with sufficient space for the free circulation of air above and below said shield.

Article 535. **Hot Air Pipes.**—Where hot air pipes are enclosed in wooden partitions they shall be standard bright tin, tight joints and without soldering them and shall be securely covered with asbestos at least one-eighth of an inch thick, wrapped with wire and securely fastened so as not to slip down, all then to be securely fastened in the woodwork with a metal fastening not over two feet apart, a said pipe to be kept at least one-half

inch from all unprotected woodwork or said pipe can be double and the space between the two metal pipes on all sides to be at least three-eighths of an inch apart in the clear. Such pipes are to be made with air tight joints, without soldering them, and shall be securely fastened to the partitions at intervals of every two (2) feet and at least one-half inch from any unprotected woodwork.

Steam and hot water heating pipes shall not be placed within two (2) inches of any timber or woodwork, unless the timber or woodwork is protected by a metal shield, and then the distance shall not be less than one-half inch. All steam or hot water heating pipes passing through floors and ceilings, or lath and plastered partitions, shall be protected by a metal tube one (1) inch larger in diameter than the pipe, having a metal cap at the floor and ceiling; they shall be supported on iron, and a metal shield shall be placed on the under side of the floor over them, and on the sides of wood beams running parallel with said pipes, or said horizontal pipes shall be covered with incombustible pipe covering, at least three-fourth of an inch thick. In no case shall lateral branches from rising lines to radiators or coils be allowed between any floor and the ceiling line, except they shall be covered with incombustible material.

Article 536. **Hot Air Registers.**—That all hot air registers from hot air furnaces, hereafter placed in the floor of any building in the City of Beaumont, shall be set in iron borders not less than two inches in width. There shall be an opening space of at least one inch on all sides of the register box, extending from the underside of the ceiling below the register to the border of the floor. The outside of said space shall be covered with asbestos, or packed with mineral wool, made tight on all sides; to extend from the under side of the aforesaid ceiling up the under side of the said border.

Article 537. **Wooden Casings.**—That all wood boxes or casing enclosing steam or hot water heating pipes, and all wood coverings to recesses in walls, in

which steam or hot water heating pipes are placed, shall be lined with metal, or said pipes shall be covered with incombustible sectional pipe coverings at least three-fourth of an inch thick.

Article 538. **Furnaces.—Covering.**—The tops of all furnaces set in brick must be covered with brick or concrete.

The top of every portable furnace not set in brick shall be kept at least one (1) foot, below the beams of ceilings, with a shield of metal made tight and suspended below the said beams or ceilings and extended one (1) foot beyond the top of the furnace on all sides.

Article 539. **Bake Ovens.**—Bake ovens shall rest on solid foundations of metal beams or columns. The sides and ends shall be at least two feet from any woodwork, and the crown arch at least four feet from the ceilings that have wood joists. The hearth in front of bake ovens shall extend at least three and one-half (3 1-2) feet beyond the face of said ovens.

Article 540. **Cold Air Boxes.**—The cold air boxes of all hot air furnaces shall be made of metal, brick or other incombustible material, for a distance of at least ten (10) feet from the furnace.

Article 541. **Permits for Furnaces.**—Where hot water, steam or hot air furnaces or other heating appliances of any kind are to be placed in any building in the City of Beaumont, a permit for the same must first be obtained from the Building Inspector, and a fee of $2.00 shall be charged for the same. And it shall be the duty of the Building Inspector to make two inspections when notified in writing that said work is ready for inspection.

Article 542. **Inspection.**—The first inspection shall be for all work that is concealed, the second when the whole work is completed and shall be the final inspection in case the provisions of the ordinance are complied with.

Where any change is made in any such heating apparatus in any building in the City of Beaumont, a permit must first be obtained from the Building Inspector, and a fee of one dollar shall be charged for the same. And it shall be the duty of the Building Inspector to make one inspection when notified in writing that said work is ready for inspection. Where concealed work is done under this provision, the notice to the Building Inspector must be given before the work is covered up. In cases where more inspection is necessary on account of failure of compliance with this ordinance, or for any other reason than is hereinbefore expressly provided, extra inspection shall be applied for the person having charge or control of the work, and for each extra inspection a fee of one dollar shall be paid upon the application for the inspection being made.

Article 543. **Unlawful to Install Heating Apparatus, Unless.**—It shall be unlawful for any person in the City of Beaumont to install or cause, permit or suffer to be installed, any heating apparatus of any kind in any buildings in the City of Beaumont, not in compliance with this ordinance in any respect, or for any person to to conceal any part of any work in and about any such heating apparatus until the same has been inspected and approved by the Building Inspector, or for any person to fail, refuse or neglect to make any application for inspection herein required, where the same is necessary under the terms of this ordinance or to refuse to pay the fee or fees, prescribed in this ordinance for said necessary inspection.

Article 544. **Metal Plate Showing Carrying Capacity.**—The owner, lessee or manager, or other person having charge or control of any elevator now in operation in the City of Beaumont and the manufacturers of elevators, hereafter placed in buildings, shall cause to be fastened in a conspicuous place in said elevators metal plates having suitable raised letters on same, which shall prescribe number of pound weight which said elevators, after proper test, have capacity to carry; but no more

than seventy-five per cent thereof shall be carried thereon.

Article 545. **Qualifications of Persons Operating Elevators.**—The following qualifications necessary for persons who are or shall hereafter be placed in charge of running any passenger elevator in the City of Beaumont are hereby prescribed and no person shall be employed for such purpose or engaged therein unless he possesses such qualifications. He shall have at least ten day's experience in running an elevator under the instructions of a competent person. He shall not be less than eighteen years of age.

Article 546. **When Operator is Incompetent or Disqualified.**—Whenever the Inspector of Buildings shall become satisfied that a person engaged in running any passenger elevator is incompetent or disqualified from any cause to continue to run the same, the said Inspector of Buildings shall forthwth notify the owner or person managing or controlling the same; and the person so notified shall thereafter be held responsible for the violation of this ordinance.

Article 547. **Passenger Elevator Hatchways, How Closed.**—All elevators used for carrying passengers shall have their hatchways surrounded by substantial vertical enclosures, the same to be made flush with the hatchway on every floor and to be continuous from floor to ceiling on open sides of car, except the top floor, where a height of six and one-half feet of such enclosure is sufficient. The enclosures on every side of car shall not be less than six and one-half feet in height. All enclosure doors must be made to slide, and must be provided with a lock so arranged that the said door cannot be opened from the outside of the hatchway except by a key, and said doors shall at all times be securely closed before starting the car. All grill work around elevator hatchways shall be securely braced and kept in thorough repair.

Article 548. **Freight Elevator Hatchways, How**

Closed.—All freight elevator hatchways or shafts in any building in the City of Beaumont shall be protected and inclosed on all floors by a substantial frame work not less than three feet in height; and all approaches and entrances to any such hatchway or shaft shall be provided with automatic or self closing gates, and said gates shall be made to slide vertically if practicable. Where the elevator is closed by partitions or is constructed in a brick or fire proof shaft or hatchway, the doors to such shaft or hatchway shall not de deemed sufficient; but all such approaches to such shaft or hatchway shall be provided with automatic self-closing gates, unless the elevator is in charge of and operated by a regular operator, in which case the above mentioned doors shall be provided with spring locks, which cannot be unlocked from the outside of the shaft or hatchway, except by a key.

Article 549. **Automatic Speed Governor.—Every** passenger elevator shall be provided with an automatic downspeed governor, and no elevator shall have a greater working speed than six hundred feet per minute.

Article 550. **Passenger Elevator, Definition of.**—All elevators not designed for freight service exclusively, shall be classed as passenger elevators, and shall be subject to all provisions of this ordinance relating to pas-passenger elevators.

Article 551. **Automatic Trip or Slack Cable Stop and Automatic Brake.**—When on power driven elevators, the cables which wind around a drum shall be provided with an automatic trip or slack cable stop, and with an automatic brake of sufficient strength to hold the car and its load at any point of its travel.

Article 552. **Terminal Stops, When.—All Power** driven elevators shall be provided with automatic terminal stops on the machines.

Article 553. **Electric Brakes, How Applied.**—All electric brakes must be applied by breaking the current.

Article 554. **Safety Device on Cable Hoisting Elevator, when.**—Every elevator, car or platform cable hoisted, that runs on guides, shall be provided with an approved safety device which will prevent the car from falling in case the cables break or the machinery breaks or gets out of order.

Article 555. **Cables, How Constructed.**—All hoisting or counterweight cables, used on elevators, shall be metallic cables, with hemp centers.

Article 556. **Head Room Above Car.**—All elevators shall hereafter be installed in such manner that when the floor of car or platform is level with the top floor of the building, the guides and guide posts shall extend at last two feet above the highest point of the frame work on car or platform and that there shall at such time be free head room above said highest point of frame work of car or platform at least to the level of the tops of such guides or guide posts.

Article 557. **Double Set of Guide Posts, When.**—Freight elevators of over six thousand pounds capacity and with platforms over fourteen feet in length shall have a double set of guide posts.

Article 558. **Elevators Built in Well Hole, When.**—It shall be unlawful to install any power driven elevator in the well hole of any stairway unless there be a fire proof wall between such elevator and the stairway, said wall to extend at least two feet above the level of the roof of the building; provided, however, that this section shall not apply to elevators installed in fire proof buildings.

Article 559. **Power of Inspectors.**—The Inspectors of Buildings, and his assistants, shall have the power, and they are hereby authorized to enter any building in the City of Beaumont, without hindrance from any one, for the purpose of examining elevators, and for the enforcement of the provisions of this ordinance, whenever the same may be necessary; and the engineer and opera-

tor having charge of any elevator shall assist such Inspector or Inspectors to such extent that he or they may be able to make a careful and thorough examination of every portion of the operating machinery connected with any such elevator.

Article 560. **Penalties.**—That any person violating the provisions of this ordinance shall be fined in a sum not less than five (5) or more than one hundred (100) dollars for each offense, except as penalties may herein be provided.

CHAPTER XXXVI.

ELECTIONS.

Article 561. **Secretary Shall Prepare and Distribute Ballots.**—All ballots cast in city or ward elections shall be prepared, printed and distributed by and under the supervision of the City Secretary, and at the expense of the city.

Article 562. **Elections, When Held.**—Elections for Mayor, Aldermen, and all other elective officers of this city shall be held biennially on the dates and in the manner prescribed by State Laws and by the Charter of this City.

Article 563. **Qualifications of Electors.**—All qualfied voters of this State, who shall have resided, for six months next preceding any election for city officials, within the limits of this city, shall have the right to vote for Mayor and all other elective officers of this city, such voters to have all other qualifications now prescribed by the laws of this State or by the Constitution or by the City Charter; provided, that in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who own real estate within the limits of this city.

Article 564. **Officers to be Elected.**—There shall be elected by the qualified voters of this city a Mayor, two Aldermen from among the qualified voters of each ward,

a City Treasurer, an Assessor and Collector of Taxes, a Chief of Police, a City Attorney, and such other officers as the City Council, under the power granted by the City Charter, may provide, and who shall possess all qualifications prescribed by State laws, the City Charter or by the ordinances of this city, and who shall hold their respective offices for two years and until their successors are elected and qualified, unless sooner removed by the City Council.

Article 565. **Manner of Conducting Elections.**—For conducting elections for municipal officers of this city, the Mayor or City Council shall appoint a presiding officer and two judges of election to preside over and conduct the election at each voting place, one of the judges to be selected from each political party, if desired. The Mayor or City Council shall also designate the place for holding such elections, and the election shall be conducted in every respect as near as may be possible or practicable in the mode and manner provided for in the State Election Laws regulating such elections. The returns of all such elections shall be made in the manner and mode prescribed by State laws, and certificates of election issued to the successful candidates, who shall, within thirty days thereafter, qualify and proceed to discharge the duties of their respective offices, in accordance with law, the City Charter and the City Ordinances.

Article 566. **Mayor Shall Issue Proclamation.**—It shall be the duty of the Mayor to issue and have published in some newspaper published in the City of Beaumont a proclamation informing the electors of said city of the approaching election, within a reasonable time for the same, which proclamation shall contain the names or the place or places in each ward where the polls shall be held or situated, the names of the presiding officers, the judges of election, and the hour for opening and closing the polls.

Article 567. **Clerks of Election.—When Polls Open and Close.**—The presiding officer shall also select a suf-

ficient number of clerks of the election, who shall receive reasonable pay for their services as may be ordained by the City Council, and who shall assist in holding said election. The polls shall open and close at the hours and in the manner prescribed by State Laws.

Article 568. **State Laws Govern.**—That the general and primary election laws of this State and the City Charter shall govern in the holding and conducting of all general, special or primary elections within this city.

Article 569. **Elections.—Where Held.**—That all elections in this city whether general, special or primary, shall be held in each of the wards of the city at such places as may be prescribed by the City Council; provided, that if for any reason such place be not available therefor, the Mayor or presiding officer shall procure a place therefor, one of which shall be in each ward.

Article 570. **Compensation of Election Officers.**—That the presiding officers, judges and clerks of election shall receive as compensation for their services, the sum of Two ($2.00) Dollars per day, to be paid as provided by law.

CHAPTER XXXV.
SIDEWALKS AND STREETS.

Article 571. **Improvement of Streets and Sidewalks.**—That the City Council shall, fron time to time, pass such ordinances and resolutions as may be necessary for the grading and improvement of the streets and sidewalks of the city.

Article 572. **City Engineer Shall Fix Bounds for Limits.**—It shall be the duty of the City Engineer to survey and lay off the several streets of the city, and fix the bounds and limits between the sidewalks and the streets.

Article 573. **Manner of Constructing Sidewalks.**—That it shall be unlawful for any person to construct any sidewalk within the limits of the City of Beaumont higher than the center of the street.

Article 574. **Unobstructed Use of Sidewalks.**—The unobstructed use of sidewalks of the city must be maintained for the use and convenience of pedestrians.

Article 575. **Prohibiting Congregating on Sidewalks.**—That it shall not be lawful for any person or number of persons to stand or congregate upon any pavement or sidewalk in the City of Beaumont in such manner, or for such length of time, as to obstruct or inconvenience pedestrians who may be going to or fro in any direction on such pavement or sidewalk.

Article 576. **Obstructing Sidewalks.**—That it shall be unlawful for anyone to place any barrel or barrels, box or boxes, or wood, or any other substance of any kind whatsoever on any sidewalk in this city so as to obstruct the passage along said sidewalk, or any part thereof. No one shall have or maintain any fruit stand, huckster stand or other stall on any sidewalk within the City of Beaumont.

Article 577. **Obstructing Sidewalks in Front of Theatres Churches, etc.**—That it shall be unlawful for any person or persons to obstruct, or to be one of a number of persons to obstruct, any sidewalk in front of a church, theatre, or other public place, or place of business, or to in any other way obstruct the passage in or out of any church, theatre or public place, or place of business.

Article 578. **Attracting Crowds on Sidewalks.**—That if anyone shall, by loud talking or unusual acts or exhibitions, attract a crowd on any sidewalk, and shall refuse to desist when requested to do so by any policeman, or other city officer, he shall be deemed guilty of a misdemeanor, and upon conviction, be fined as hereinafter in this chapter, provided; and this shall apply also to anyone composing such crowd engaged in the obstruction of said sidewalk.

Article 579. **Auctioning and Selling Goods on Side-**

walks.—That it shall be unlawful for anyone to obstruct any sidewalk in this city by selling or offering for sale at auction or otherwise any goods, wares, or merchandise on such sidewalks.

Article 580. **Shall Keep Sidewalk Clear of Fruit Peelings.**—That it shall be unlawful for any person to place or throw upon any sidewalk or street crossing within this city, any banana peeling, banana, orange or orange peeling, watermelon rind, sugar cane peeling, etc. It shall be unlawful for any occupant of property and premises to permit any such peelings and fruits to be and remain upon the sidewalk or abutting the property so occupied by them, and they are hereby required to keep said sidewalks entirely clear of such substances.

Article 581. **Animals Must Not be Tied, etc., so That They can get on the Sidewalk or Street.**—Any person who shall stake, tie, or hobble, any animal whatever on any lot of which he is not owner, or on any lot or block within the city in such a manner as to allow such animal to go upon the adjacent sidewalk or street, shall, on conviction, be fined not less than one nor more than one hundred dollars.

Article 582. **Use of Sidewalks in Receiving and Forwarding Goods.**—All merchants shall have the right to occupy one half of the sidewalks in receiving and forwarding goods, wares and marchandise, provided said space be not thus occupied longer than five minutes at a time. Provided that all wholesale merchants shall be allowed to occupy and use in connection with their business, not exceeding three feet of space next to their said building. Pearl and Crockett Streets, however, are hereby excepted from this provision.

Article 583. **Prohibiting Use of Sidewalks for Exhibiting Goods, Except.**—It shall be unlawful for any merchant doing business in this city to occupy and use any part of the sidewalks for the purpose of exhibiting, displaying and advertising goods, wares and merchan-

dise, except permission therefor be granted by the City Council for that purpose, according to the following conditions, to-wit:

That no such goods, wares and merchandise shall be placed upon sidewalks for exhibiting, displaying and advertising, except same be enclosed in show cases in the manner hereinafter set forth:

(1) That for the purpose of setting and adjusting plate glass show cases thereon, in which goods, wares and merchandise, offered for sale, may be exhibited, displayed and advertised, any person, firm or corporation doing business in this city may occupy and use the inner side of the sidewalks, not to exceed 16 inches width, along, next and against the wall of the store room, and at or near the entrance to the same in which said business is conducted.

(2) The said person, firm or corporation, who shall decide to use such portion of the sidewalk mentioned in Clause 1 hereof, shall make written application therefor to the City Council, requesting such privilege, and in said written application shall bind himself, themselves, or itself to hold the city harmless from any liability for damages that might accrue or result from or by reason of setting such show case or show cases on the sidewalks.

(3) Said merchants shall present to the City Council, with said written application, plans and specifications of the plate glass show cases that may be desired to be used for the purpose of enclosing the goods, wares and merchandise, offered for sale, to be exhibited, displayed and advertised on the sidewalks.

Article 584. **Penalty.**—That the use of the sidewalks for exhibiting, displaying and advertising goods, wares and merchandise, offered for sale without same being placed in plate glass showcases, under a permit duly granted by the City Council as provided in the preceding article, shall constitute a misdemeanor, and any person violating same shall be fined in any sum not to ex-

ceed one hundred dollars, and every day such violation continues, shall constitute a separate offense.

Article 586. **Shall Keep Sidewalks and Gutters Clean.**—That if the occupant of any building or premises shall allow any trash, dirt or filth of any character whatsoever in the gutter or on the sidewalk in front of such premises, or in the rear of such premises for a longer time than six hours shall be deemed guilty of a misdemeanor, and upon conviction in the city court, shall be fined in any sum not exceeding fifty dollars.

Article 586. **Requiring Sprinkling of Sidewalks When Sweeping on Certain Streets.**—That it shall be unlawful for any owner, tenant or occupant of any building fronting on any street within the following described territory in the City of Beaumont to sweep or cause to be swept their sidewalk in front of said building so occupied at any time of the day or night without first thoroughly sprinkling same with water or other substance that will prevent the raising of dust during the time of said sweeping.

Beginning at a point where the north line of Mulberry Street meets the river;

Thence west with the north boundary line of said street to the east line of Main Street;

Thence with the east line of Main Street to the Intersection of said line and the north line of Calder Avenue;

Thence west on the north line of Calder Avenue to the intersection of the west line of Magnolia Avenue;

Thence southward on the west line of Magnolia Avenue and across the railroad yards of the T. & N. O. Railway Company to the north line of Bonham Street;

Thence westward on the north line of Bonham Street to the west line of Railroad Avenue;

Thence southward on the west line of Railroad Avenue to the south line of College Street;

Thence eastward on the south line of College Street to the west line of Orleans Street;

Thence southward on the west line of Orleans Street to the River;

Thence up the river to the place of the beginning.

Article 587. **Property Holders to Keep Sidewalks in Repair.**—That it shall be, and is hereby made, the duty of all owners and occupants of property along the sidewalks to keep the same together with the curbing and guttering, in good repair and free of obstructions of all kinds. Anyone failing to repair such sidewalks after three days' notice from any peace officer, or the Mayor or any member of the Street and Bridge committee, shall be deemed guilty of a misdemeanor, and upon conviction in the city court shall be fined in any sum not exceeding fifty dollars, and each day anyone thus fails shall be considered a separate offense.

Article 588. **Defective Sidewalks and Removal of.**—That it shall be the duty of the Street Commissioner of the City of Beaumont, whenever any sidewalk in the city shall become dangerous to the public travel or public safety by reason of decay or any other cause, on order of the Mayor or Chairman of the Street and Bridge Committee to tear up and remove the same.

Article 589. **Defective Sidewalks, Notice to Owner to Repair.**—It shall be the duty of the Mayor and Chairman of the Street and Bridge Committee, whenever it shall come to his knowledge that any sidewalk has become dangerous to public travel or public safety, to notify in writing the owner or agent of property before which said sidewalk lies of the condition thereof, and shall order the owner or agent thereof in said notice to repair or remove the same within ten days from the date of the notice thereof, and should the same not be repaired or removed within said time to order the Street Commissioner to remove the same as hereinbefore provided.

Article 590. **Repairing Damage to Sidewalks, Sewers, Gutters, etc.**—It shall be unlawful for any person,

without consent from the Street and Bridge Committee, to interfere with, obstruct, injure or alter, in any manner any sewer, culvert, sidewalk, pavement, gutter, or drain in the city under a penalty not exceeding one hundred dollars for each and every offense, and each and every day of such interference, obstruction, alteration or injury to be permitted to remain after notification by the proper authority shall constitute a separate offense.

Article 591. **Placing Trash, etc., Upon.**—That it shall be unlawful for any person to sweep out, throw or deposit or permit any one in his employ to sweep out, throw or deposit any trash, loose paper, filth, tin, glass, pieces of iron, or any animal or vegetable substance whatsoever, on or in any street or streets, sidewalk or sidewalks and public grounds of this city.

Article 592. **Riding Bicycles on Sidewalks.**—That it shall be unlawful for anyone to ride a bicycle on any sidewalk in this city. That it shall be unlawful for anyone to ride a bicycle on any sidewalk in the city or on or along the banks of the Neches River from the south end of Orleans Street to the north end of Sabine Pass avenue.

Article 593. **To Prevent the Growth of Weeds and Grass on Sidewalks.**—It shall be unlawful for any owner or owners, agent or agents, or occupants of any lot or lots in the corporate limits of the City of Beaumont, to allow weeds or grass to grow or remain upon the sidewalks, so as to obstruct the sidewalks or gutters fronting or abutting on any lot or lots of which they may be the owner or owners, agent or agents, or occupants.

Article 594. **Requiring Owners to Remove Growing Weeds and Grass.**—That any owner or owners, agent or agents, or occupants, of any lot or lots, who shall fail to remove or have removed all weeds or grass, as aforesaid, now on the sidewalks or gutters, or which may hereafter grow and be on the sidewalks or gutters, in front, adjoining or abutting on their lot or lots, after ten days notice, shall be deemed guilty of a misdemeanor.

Article 595. **Ordinance to Prohibit the Exhibition of**

Fish and Dead Fowls, etc., on the Streets or in Front of Any Place of Business.—That if any person shall expose, exhibit, place, hang or permit to remain, any fish or dead fowl of any kind, or beef or meat of any kind, on any sidewalks, store, gallery, or the gallery of any other place of business, in or near the front of such place of business, or permit the same to be done, he shall be fined in any sum not exceeding one hundred dollars.

Article 596. **Unlawful to Throw Liquids Into Streets or on Sidewalks.**—It shall not be lawful for any owner of any house, building or tenement, to throw any filthy water or fluids of any description from such house, building or tenement into the street or on the sidewalks.

Article 597. **License for Storing or Vending on Sidewalks.**—Any person may obtain from the Mayor the privilege of storing and exposing for sale and selling on the sidewalks within the City of Beaumont, fruit, nuts, cigars and tobaccos, soda water and candy or other articles of merchandise on payment to the city assessor and collector of taxes the occupation tax in advance.

Article 598. **Unlawful to Throw Banana Peelings, or Watermelon Rinds or Paper on Sidewalks, Penalty.**—It shall not be lawful for any person to throw any banana peelings, watermelon rinds or paper on sidewalks or street crossings. Any person who shall be convicted before the City Recorder of throwing any banana peelings, watermelon rinds or paper on any side walk or street crossing in the City of Beaumont, shall be fined in any sum not less than one dollar, nor more than one hundred dollars.

Article 599. **Running Wheelbarrows, Wagon Wheels, or Hand Carts on Sidewalks.**—Any person who rolls, pushes or runs any wheelbarrow, wagon wheels or hand cart on any sidewalk (except in crossing to go in and out of the lot or building of the owner, or in such other place as may be necessary for the purpose of loading or unloading) shall be fined not less than one nor more than

Article 600. **Endangering Passage While Building or Repairing.**—Any person who leaves any excavation in

any street or sidewalk, or any material while repairing or building any house or other structure, in such condition as to endanger persons passing along the street or sidewalk, without a signal by day and lamp by night, shall be fined not less than one nor more than one hundred dollars.

Article 601. **Unlawful to Dig a Ditch Across Street or Sidewalk.**—It shall not be lawful for any person or corporation to dig or cut any ditch or make any opening on or across any street or sidewalk within the city limits of the city, except for draining .

Article 602. **Advertisements Not to be Painted on Streets and Sidewalks.**—All persons, firms, associations of persons, and corporations, are prohibited from painting or writing signs or advertisements upon the sidewalks and paved streets of the City of Beaumont, Jefferson County, Texas, and any such persons, firms, associations of persons, or corporations, violating this article, shall, upon conviction, be fined in any sum not less than ten nor more than one hundred dollars, and each sign or advertisement so written shall constitute a separate and distinct offense.

Article 603. **Destroying. or. Injuring. Trees. and Shrubbery in Public Grounds.**—If any person or persons shall destroy, or in any way injure, any of the trees, shrubbery or other ornaments on or along any sidewalk or street of the city or the court house, market house, or any school house or church grounds, or shall wilfully open or leave open any of the gates of said enclosures, whereby any trees, shrubbery or other ornaments, shall be destroyed or injured by stock or otherwise, he shall be fined not less than five nor more than one hundred dollars.

Article 604. **Injuring Sidewalks.**—Any person who shall wilfully or maliciously tear up, injure, deface or destroy any sidewalk, or any portion thereof, shall be

fined not less than five nor more than one hundred dollars.

Article 605. **Unlawful to Ride or Drive on or Across Sidewalks.**—It shall not be lawful for any person to ride or lead any horse, or drive any team on or across the sidewalks, except at such places as may be constructed and used for the purpose.

Article 606. **Riding or Driving on Sidewalks.**—Any person who shall ride or drive with any animal, vehicle or bicycle upon or over any sidewalk or gutter between the roadway or graded street and the lot or lots abutting on such street except for the purpose of access to or from such abutting lot or lots, shall be fined not less than one nor more than one hundred dollars.

Article 607. **Throwing Article From Roof or Upper Story.**—Any person who throws any article from the roof or upper story of any house upon any street or sideawlk, shall be fined not less than one nor more than one hundred dollars.

Article 608. **Changing or Altering Sidewalks or Pavements, Penalty.**—It shall be unlawful for any person, firm or corporation, their agents or employees, to alter, change or cause to be changed, any sidewalk or pavement within the City of Beaumont, without first applying to the City Engineer for a permit to construct, alter or change said sidewalk or pavement, and to specify minutely what changes or alterations are proposed. If, upon examination, the proposed change, alteration or construction shall be found to be of first class construction and to conform to the proper grade, with proper drainage, the city engineer shall issue the proper permit in writing, setting forth the condition under which same was granted, and shall promptly furnish to the party applying the proper grade lines necessary to the proper construction, change or alteration of the proposed sidewalk or pavement; provided, however, that the city engineer shall have no authority, nor shall he issue a permit for construction of any wooden sidewalk, nor of a less width

than four feet. Any person, firm or corporation, their agents or employees violating this article, shall be liable to arrest and trial before the corporation court, and upon conviction shall be fined not less than twenty nor more than one hundred dollars for each offense.

Article 609. **Show Windows, How Constructed.**—That it shall be unlawful for any owner or any occupant of any house or building to construct, or permit to be constructed, any show window, or other place for display of goods on said building and premises in such manner as will extend out and protrude over or into the sidewalk.

Article 610. **Council May Compel Building or Repairs of Sidewalks.**—That the owners or owner of any lot or lots , pieces or parcels of ground within the corporate limits of the City of Beaumont, Texas, fronting or abutting on any street or streets within the said city be, and they are hereby required to erect, construct and build or repair, at his or their own expense, a sidewalk thereon according to the plans and specifications prescribed by the City Council, and within the time designated by said City Council of the City of Beaumont, which said sidewalk shall be constructed, built or repaired under the direction of the Street and Bridge Committee and the City Engineer of the city; the cost of which shall be paid for by the owner or owners of the abutting property.

Article 611. **Council to Designate Character and Location of Sidewalks.**—The City Council shall designate, from time to time, on or along what streets or street, in the City of Beaumont that a sidewalk or sidewalks thereon shall be constructed, built or repaired, and shall prescribe from time to time the plans and specifications by which the sidewalk or sidewalks shall be constructed, built or repaired, and shall designate the time within which the owner or owners of the abutting property shall construct, build or repair, such sidewalk or sidewalks, and shall issue or cause to be issued written notices to said property owners, stating the character of sidewalks or sidewalk, desired to be built and constructed or re-

paired, and designate the time within which said sidewalk or sidewalks shall be built or constructed, or repaired.

Article 612. **Duty of Owner, Upon Receipt of Notice, to Build or Repair Sidewalks.**—It shall be the duty of any abutting property owner or owners on any street or streets on which the City Council has designated that a sidewalk or sidewalks shall be built and constructed, or repaired, upon receipt of a notice that the City Council has designated said street or streets on or along which sidewalk or sidewalks are required to be built, constructed or repaired, shall within ten (10) days from the service of said notice, proceed to build and construct, or repair, at his or their own expense, the sidewalk or sidewalks designated by the City Council, according to the plans and specifications prescribed by said City Council and shall complete said sidewalk or sidewalks in front of his or their said abutting property, within the time designated by said notice.

Article 613. **Penalty.**—Any owner or owners of any lot or lots, piece, or parcel of land abutting on any street or streets in the City of Beaumont, who shall fail or refuse to construct and build, or repair, said sidewalk or sidewalks, on or along his or their abutting property on the street or streets designated by the City Council, after receiving notice, as prescribed in this chapter, according to the terms and stipulations in said notice, shall be deemed guilty of a misdemeanor and upon conviction in the corporation court in the City of Beaumont, shall be fined in any sum not less than ten (10) dollars, nor more than two hundred ($200) dollars, and in addition thereto the city may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense of constructing or repairing said sidewalk or sidewalks (with ten per cent additional thereon) as prescribed in the charter of the City of Beaumont; provided the City of Beaumont constructs, builds or repairs said sidewalk or sidewalks.

Article 614. **Notice to Owner Evidence of Receipt of Same.**—A copy of the plans and specifications signed by

the Mayor and attested by the City Secretary, under the corporation seal of the City of Beaumont, and delivered to the abutting property owner or owners by the Chief of Police or any policeman of said City or by registered mail, with a request to construct, build or repair, said sidewalk or sidewalks shall constitute a legal notice to such owner or owners to build or repair said sidewalk or sidewalks, and the return of the officer or return of the postoffice receipt of the registered notice shall be sufficient evidence that the proper notice has been served upon the abutting property owner or owners to build said sidewalks where same are desired to be built or repaired.

Article 615. **Cement Sidewalk Contractor Required to Give Bond.**—That any person, firm or corporation now engaged or who may hereafter become engaged in the business of making, constructing and laying, cement sidewalks in the City of Beaumont, Texas, be and he or they or it are hereby required to execute a good and sufficient bond in the sum of $2,000.00, payable to the City of Beaumont, and approved by the City Council, conditioned, that he, they, or it, have agreed and contracted to make, construct and lay, according to the plans and specifications for cement sidewalks hereinafter set forth, or may be hereafter prescribed and adopted from time to time by the City Council, and conditioned further, that he, they or it, will maintain said cement sidewalks, when so made, constructed or laid, for a period of three years, free of any cost or charge to the owner thereof, provided said cement sidewalks shall give way through use, by reason of any defective material, or defective workmanship placed thereon or therein.

Said bond herein provided for shall be filed with the City Secretary of the City of Beaumont and approved by the City Council before any person, firm or corporation, shall engage in the business of making, constructing and laying, cement sidewalks in the City of Beaumont.

Article 616. **Penalty for Disobeying Foregoing Article.**—That it shall be unlawful for any person, firm or corporation now engaged in the business of making, con-

structing and laying, cement sidewalks to prosecute said business within the limits of the City of Beaumont, without a good and sufficient bond, as described above, has been duly executed, delivered and approved as set forth in the foregoing article, and any person, firm or corporation who does engage in the business of making, constructing and laying cement sidewalks within the ilmits of the City of Beaumont for profit, without first having the above described bond duly executed, filed and approved, shall be deemed guilty of a misdemeanor and upon conviction in the coporation court of the City of Beaumont, shall be fined in any sum not less than $5.00 nor more than $100.00.

Article 617. **Plans and Specifications of Cement Sidewalks.**—The said cement sidewalks shall be made, constructed and laid, with in the city limits of Beaumont, according to the following plans and specifications, to-wit:

1. Stakes will be set by the engineer to define one edge of the walk, and the stakes driven to grade will indicate the top of the walk at said line. The transverse slope of the walk will be one-fourth (1-4) inch per foot, and will be determined with level and grade board made according to instructions from the City Engineer.

2. The sidewalk shall be graded to the width as shown on plan for the entire length of the improvement; including all wings and crossings and eight inches below the finished surface of the walk. The grading must be smoothly and neatly done, all roots and rubbish of every description being removed from the grade and the entire work must be made to conform fully to the profile and grade of the walks when finished. Soft loamy spots in the sub-grade must be taken out and refilled with good material, and the grade solidified by thorough ramming.

3. Trees shall not be injured, cut down or otherwise disturbed, except by order of the engineer. Roots of trees which are not removed but which are contiguous to the grade of the walk or in any way interfere therewith must

be trimmed and cut away as the engineer shall direct and where the engineer directs the concrete shall be fitted to the trees, and roots covered with earthenware half pipes. Any trees removed must be grubbed for the entire width of the sidewalks and also all its roots that rise above the level of the sub-grade. No extra compensation for such work will be allowed.

4. Upon the sub-grade thus prepared and after inspection of the same, a foundation of sand, fine gravel, broken stone, or shell, in such proportions as when rammed, will form a solid and compact mass shall be spread to a uniform depth of four inches, all to be rammed and tamped until it presents a hard smooth surface. It shall be sprinkled with water as required, enough remaining to render the surface as moist as the concrete at the time the latter is laid. Through this foundation there must be placed six inch sewer pipe to be furnished by the property owner for draining the abutting property into the curb ditch. These pipes shall be placed not less than 25 feet and not more than 100 feet apart as the engineer may direct.

5. Upon the above prepared bed shall be placed Portland cement concrete, three inches in thickness, made as follows:

The part by measurement shall be one part cement, two parts clean sharp sand and four parts shell, or five parts broken stone. Portland cement shall be the best quality, freshly burned and finely ground, and shall stand the test required by the City Engineer. The sand shall be clean and sharp, free from loam or clay. The shell, if shell be used, shall be thoroughly washed; the stone, if stone be used, shall be so crushed that the largest pieces shall not be greater than one inch, nor the smallest not less than one-quarter inch in diameter, it shall be free from dirt and dust. The cement and sand shall be mixed together and made into mortar without excessive use of water. The shell or stone, thoroughly wet, but containing no loose water, shall be applied to the mortar and thoroughly mixed therewith. The concrete thus prepared

shall be immediately placed in position and thoroughly rammed.

The top shall be composed of clean, sharp sand and portland cement in equal parts wet and pounded into place.

6. The surface shall be floated with a straight edge, smooth and even, subsequently floated with a short wooden float and completed wtih a plastering trowel. The sidewalks shall be laid in blocks not greater than 5x5 feet, nor less than 4x4 feet, unless a special permit is granted to do so, by the City Council, for a less width.

7. The contractor has a right to charge for all filling, but does the excavation work up to the depth of twelve inches.

Article 618. **Penalty.**—A failure to make, construct and lay the said cement sidewalk, according to the specifications set forth in the foregoing article by any person, firm or corporation, engaged in the business of building cement sidewalks, shall be deemed a misdemeanor, and may be fined upon conviction in the corporation court in the City of Beaumont in any sum not less than five nor more than two hundred dollars, and shall also be liable to have his, its or their, bond forfeited and the owner of said walk may recover damages from the said person, firm or corporation and their bondsmen, in any court having jurisdiction in any sum, to which he, they or it may have suffered, not to exceed the amount of the bond, and the owner or agent of the abutting property in front of which said cement walk has been contracted for and made, constructed and laid, shall have the option of withholding the payment for the making, constructing and laying, of such cement sidewalks, until the contractor shall present a certificate from the City Engineer, approving the making, constructing and laying of the said cement walk.

Article 619. **Increasing Width of Sidewalks in Ogden Addition.**—All sidewalks in the Ogden Adidtion to the City of Beaumont are hereby increased from their present width to sixteen and one-half (16 1-2) feet each.

Article 620. **Reducing Width of Streets in Ogden Addition.**—All streets in the Ogden Addition to the City of Beaumont are hereby reduced from their present width to twenty-seven (27) feet each.

Article 621. **Preventing Scattering of Advertising Matter.**—That it is hereby made unlawful for anyone to scatter or throw any hand bills, circulars, cards, newspapers or any advertising device of any description along or upon any street or sidewalk in the City of Beaumont.

Article 622. **Laying Gas or Other Pipes.**—It shall not be lawful for any person or corporation to dig or cause to be dug any ditches or make any opening in, over or across, any street or sidewalk for the purpose of laying down gas or other pipes without first obtaining a permit therefor, and if such permit be granted then such person or corporation shall immediately fill up, pack and ram down, tight the earth taken therefrom, and leave such street or sidewalk in as good order and condition as the same was in before such excavation was made.

Article 623. **Unlawful Deposit of Refuse Matter.**—It shall not be lawful for any person to throw or deposit in any street, sidewalk or gutter, alley or ditch or drain, any filth, dung, garbage, broken glass, tin, chips, paring or bits of leather, shavings, paper, hand bills dodgers, newspapers, boxes or any other trash whatever.

Article 624. **Driving Across or Obstructing Ditches.**—Any person who shall drive, or cause to be driven, any horses, cattle, sheep, hogs or other animals in or across any ditch at the place or places except the regular bridges across said ditch, or who shall throw or deposit in said ditch anything that will in any way obstruct the free flow of water through the same, shall be fined in any sum not more than twenty-five dollars.

Article 625. **Unlawful to Construct Roads or Bridges Without Consent of Council.**—It shall not be lawful for any person, firm or corporation to lay out, survey, grade or construct, or run any road or railway, or make any other public improvements within, through or over, any

street, public or private grounds in any portion of the city, nor build, erect or construct, any bridge without the consent of the City Council first be had and obtained. Each day that such unlawful work progresses or such unlawful structure remains shall be held a separate offense.

Article 626. **Street Obstructions.**—It shall not be lawful for any person to place or leave, in any public street or alley, any matter or thing calculated to interfere with, obstruct or render less safe or convenient the free use of such street or alley for vehicles; provided, that this article shall not be so construed as to interfere with the construction of buildings or improvements, in which event one-third the width of the street may be used for material, etc., by the contractor.

Article 627. That it shall be unlawful for any vehicle used for the conveyance of passengers, for hire, or any wagon or vehicle used for hauling freight or baggage, or any wagon or vehicle of like character to remain standing on any part of the following streets in the City of Beaumont, for a longer period than five minutes, except as hereinafter provided, to-wit:

On any part of Crockett Street between Pine and Orleans Streets; or on any part of Pearl Street between Cedar and College Streets, and on any part of Orleans Street between Crockett and Forsythe Streets and on any portion of Liberty Avenue between where said street intersects Orleans and Bonham Streets and the west side of Alamo Street, and Alamo Street between Liberty Avenue and Laurel Avenue in said City of Beaumont.

Article 628. That the provisions hereof shall not apply to any delivery wagon owned and used by any merchant exclusively in transporting and delivering goods, wares and merchandise to and from his store house located within said territory; provided only a reasonable time, not to exceed thirty minutes, be allowed said wagons to load and unload their freight; nor to buggies owned by private citizens and not used for hire; nor to carriages and busses in taking passenger to and from any portion

of said territory; provided they shall not remain within that territory on Crockett Street, Liberty Avenue or Alamo Street, for a longer period than twenty minutes; provided that carriages and other vehicles used exclusively for conveying passengers shall have the right to stand in any part of said territory, on rockett or Orleans Streets between the hours of 7 P. M. and 7 A. M.

And provided further, that it shall be unlawful for any person to hitch a horse or team, or leave a horse, team of horses, automobile or vehicle of any kind or character whatsoever, standing upon any portion of Pearl Street between Cedar and College Streets in said City of Beaumont, for a longer period than thirty minutes.

Article 629. **Street Encroachments Prohibited, provise.**—It shall be unlawful for any person or corporation to build, place or erect, any fence, house or building on any public street, alley or sidewalk or on any part thereof, or to extend or enlarge any fence or building so as to encroach on any street, alley or sidewalk, in the City of Beaumont; provided, however, that in the construction of buildings, within the fire limits, of stone or brick, or other permanent material, it shall be lawful to build any plaster, column or other ornamental feature of such buildings at the base line of same eight and one half inches beyond the lot lines; such projecting portions, however, not to exceed twenty-one (21) inches in width at any point, nor to exceed four in number in any twenty-five feet frontage, and provided, further, that in the construction of such buildings it shall be lawful to construct steps beyond the lines of the lots of the same not to exceed the lot lines more than thirteen inches. And it shall also be lawful, in construction of any area walls, or steps within area walls, to extend the openings thereof beyond the lot lines a distance not exceeding eighteen inches; and provided, further, that in the construction of any building within the meaning of this article, it shall be unlawful to begin the construction thereof without first having filed in the office of the city engineer a diagram setting forth in lines

and figures the projections to be made beyond the lot lines.

Article 630. **Unlawful to Make a Fire or Burn Trash on Said Streets.**—It shall be unlawful for any person, firm or corporation, to burn any trash or make any fire upon paved streets, or to use any fire thereon in any manner, or to heat the same, or to take any receptacles thereon, in which there is fire that is calculated to heat said pavement of said streets.

Article 631. **Unlawful to Dig Holes in Said Streets.**—It shall be unlawful for any person to pick or dig holes in said streets or drive any sharp instrument therein that will make a hole.

Article 632. **Livery Men Injuring Streets.**—That it shall be unlawful for any person or persons, being the owner of any livery, sale or feed stable, to keep, feed, clean, wash or allow to stand and stamp upon any pavement on the street in the City of Beaumont, any horse, mule, or other animal; provided, however, that this article shall not apply to the ordinary use or usual stoppage of animals in harness and hitched to vehicles in charge of a driver.

Article 633. **Removing Material From or Placing Obstructions Upon Streets.**—That every person, persons or corporation, is prohibited from removing any street construction, material, articles, or substances placed on any street of the City of Beaumont, or to place any obstruction on the streets of the city without first obtaining the written permission of the Mayor of the City of Beaumont.

Any person violating any of the provisions of this article shall, upon conviction, before the corporation court of the City of Beaumont, be fined any sum not less than five dollars nor more than two hundred dollars.

Article 634. **Preventing Removal of Earth, etc.,**

From the Streets or Grounds.—That it shall hereafter be unlawful for any person, firm or corporation, to remove any sand, earth or paving material from any street, alley or public grounds in this city except where the same is done under contract with the city or by special permit given in writing by the Street and Bridge Committee.

Article 635. **Laying of Underground Pipes and Underground Wires.**—That the Beaumont Water Works Company, Gas Light Company and Beaumont Telephone Company and other companies having underground pipage system or underground wires, shall be required to furnish the City Engineer with a map showing streets, alleys and sidewalks occupied by the pipage or underground wire system, and the dimensions of the pipes used, and no such company shall be allowed to repair or put in new pipes or wires unless first obtaining permission of the City Engineer, and first filing in the office of the City Engineer a map showing the territory to be occupied by the pipage or wire system and dimensions of the pipe to be used. No such company shall be allowed to continue the occupancy of the streets of the City of Beaumont unless they comply with the above provisions and with the provisions of the Chapter relating to "Underground Pipes."

Article 636. **Constructions of Returns or Driveways to Prevent Obstruction of Drainage.**—That it is hereby made the duty of all persons owning property abutting on paved streets in the City of Beaumont to construct or cause to be constructed at their own cost and expense, returns or driveways paved with brick, stone or other durable material, leading from the curb line to the property line on such lots as it may be necessary, to enter with any vehicle from the street, on such grade as may be furnished by the City Engineer, and in doing such work property owners shall have the right to cut down the curb wall, but only as may be directed by the City Engineer. It shall be the duty of the City Engineer, on the application of any property owner, to furnish the correct grade for said proposed returns or driveways free of cost, and the

work of constructing such driveways shall be done under his supervision.

Article 637. **Persons Must Not Excavate in Streets.** —That it shall be unlawful for any person, company or association, under any pretext whatever, to make any excavation or embankment in any street, avenue or alley in this city without a written permit from the Street and Bridge committee, under penalty of not exceeding one hundred dollars, and for each and every day such excavation or embankment shall be permitted to remain, after notification by proper authorities to fill or to remove the same shall constitute a separate offense.

Article 638. **Shall Repair Damage Done to Streets.**— That when any part of any street, avenue or alley, or other public place, in this city, shall be torn, dug up or taken up for any purpose, the person doing the same shall upon completion of the said work, and as fast as practicable during the accomplishment thereof, return the earth ram and puddle the same to a firm and solid bearing, and in such manner as will entirely prevent settling of such earth, and leave the said street in as good condition as they found the same, and to the entire satisfaction of the Street and Bridge committee, or either of them, and upon their failure to do so, they shall be fined in any sum not exceeding fifty dollars.

Article 639. **Sweeping Trash in Streets.**—That it shall be unlawful for any person to sweep out, throw or deposit in, or permit anyone in his employment to sweep out, throw or deposit on or in, or to burn upon any street or pavement of said city any trash, loose paper, filth, tin, glass, pieces of iron, or any animal or vegetable substance whatever.

Article 640. **Galvanized Trash Cans.**—That all persons or firms occupying any houses or premises abutting Crockett, Pearl, Main, Tevis, Cypress, Orleans or Bowie Streets, and other streets near the business portion of said city, shall, at their own cost, keep, provide and maintain a

galvanized iron or tin can, fitted with a top so as not to expose the contents thereof, and sufficiently large to contain all necessary trash and other waste matter which may accumulate upon, in and about, said premises, and house, at a convenient place at the curb in front of their said premises, in which they shall deposit all trash, waste paper, and other substances of whatever kind which may accumulate in their said houses and upon said premises, in order that the same may be conveniently removed therefrom.

Article 641. **Permitting Trash to Accumulate.**—It shall be unlawful for the occupant of any building within this city to permit any loose paper, hay, filth or other substances or unsightly stuff to exist or accumulate in the streets in front, or in the rear, of such building or premises occupied or controlled by them. And they shall make it their special duty to keep all trash of every kind, quality and quantity, out of the street abutting their said premises. And anyone violating the provisions of the two preceding articles shall, upon conviction, be fined in any sum not exceeding one hundred dollars.

Article 642. **Prohibiting Unhealthy Deposits in Streets and Gutters.**—That no distiller, butcher, soap boiler, the keeper of any soda water fountain, tallow chandler, or dyer in this city, shall himself, or by any other, discharge out of or from any still house, work shop, drug store, soda fountain, foul or nauseous liquids, or liquids which may become so by stagnation, into a pond or adjacent ground, or into any street, sewer, gutter or other public place.

Article 643. **Prohibiting Discharging Waste Into Streets, etc.**—It shall be unlawful for any person to throw, discharge, empty, flow or run, or allow or permit to be thrown, discharged, emptied, flowed or run, into any of the streets, gutters, or upon sidewalks in this city, any bath water, dish water, slop water or other waste water whatsoever, and any person violating this Article shall be deemed guilty of a misdemeanor and upon convic-

tion, shall be fined in any sum not to exceed one hundred dollars.

Article 644. **Prohibiting Foul Stock Pens Within Corporate Limits.**—That no distiller, butcher, stock dealer, or other person shall collect or keep any cows or hogs in a pen, or otherwise confine any cows or hogs in the city so as to create a stench or become a nuisance.

Article 645. **Preventing the Deposit on Streets of Dead Animals.**—That no person shall deposit any dead animal or excrement or filth from privies on any street, alley or public or private property in this city, or within one quarter of a mile of the corporate line. And whenever any animal shall be found dead within said city the same shall be removed at once by the owner thereof at his cost.

Article 646. **Playing Ball In.**—Any person who shall in this city, play at a game of ball in any manner upon any public highway, street, alley, or shall throw a stone or use a "nigger shooter" or sling shall be deemed guilty of a misdemeanor.

Article 647. **Leaving Rubbish on Streets.**—Where any person has occupied a portion of the street for building purposes, if after the completion of said building and the expiration of time of permit, such person or persons shall leave any rubbish, or the owner of said structure so built, shall permit the same to be so left, they shall be guilty of a misdemeanor.

Article 648. **Removing Street Names.**—That any person who shall remove or deface the name of a street heretofore or hereafter fixed, unless necessary in building or the repair of existing improvements, shall be guilty of a misdemeanor and any person, failing to replace on the completion of such improvements or repairs such name, shall be guilty of a misdemeanor.

Article 649. **Prohibiting Bicycle Racing.**—It shall be unlawful for any person to ride a bicycle along the

streets of Beaumont at a greater rate of speed than eight miles an hour.

Article 650. **Prohibiting Playing Upon Streets.**—It shall be unlawful for any person to remain among or participate with a number of other persons in any game or play upon any of the public streets of this city.

Article 651. **Circus shall Not Parade, etc. Without Permit, License and Tax Receipt.**—It shall be unlawful for the proprietors or managers of any circus or show to permit his or their menagerie, troops, horses or outfit, to parade any of the streets of this city or to pass over, upon or across, said streets, without first complying with all the rules, regulations, laws and ordinances now in force or to be hereafter enacted and prescribed, and obtaining a written permit, license and Occupation Tax Receipt, from the proper officers of said city; and any person or persons violating any of the provisions of this Article shall be deemed guilty of a misdemeanor.

Article 652. **Careless Hauling of Garbage.**—Any person who hauls garbage or other offensive matter in carts through the streets without sufficient tail boards or wagon beds, to prevent same from falling out, shall be fined not less than one nor more than one hnudred dollars.

Article 653. **Impeding Passage.**—Any person who in any manner impedes the safe and free passage of persons or vehicles along the streets shall be fined not less than one nor more than one hundred dollars.

Article 654. **Shall Run Levels.**—The City Engineer shall, when requested by the Mayor of the City of Beaumont or the City Council, run sufficient set of levels on any street, and project said levels on proper paper of uniform scale with a view of the establishment of the proper grades and drainage of the city. In running the lines of levels as above, the Engineer shall establish bench marks at convenient distances, checking upon the same until they agree.

Article 655. **City Engineer May Lower Grade of**

Streets.—That when it shall be deemed advisable on the part of the City Engineer to excavate or lower the grade of any street in the City of Beaumont, a contract, to be approved by the Mayor, may be made with any person desiring to use the dirt therefrom, by allowing such persons to make such excavations under the superintendence and supervision and according to grade established by the City Engineer, but no such person shall be allowed to remove or take such earth or dirt without paying to the city the sum of at least ten (10) cents per cubic yard, which payment may be made either in cash or services furnished by using part of said dirt in filling other streets or other property for the City of Beaumont.

Article 656. **City Engineer to Issue Permit, When.**—The City Engineer of the City of Beaumont shall not issue to any person, firm, associations, persons or corporations, who may desire a permit to excavate or throw up any embankment of any kind in any street, avenue, alley, or public place, a permit therefor, until there has been paid the sum of fifty cents therefor, and until there has been deposited with him a certified check on some local bank payable to the City Engineer, or the cash equivalent for such sum, as he may think sufficient to cover the cost of repairing the said street, alley, avenue or public place; said amout to be retained by the City Engineer until such portion of street so taken up under the permit shall have been properly relaid and replaced to the satisfaction of said City Engineer, when, if so done, the said amount shall be returned to the depositor; provided, however, that if said pavement shall not have been properly relaid and replaced to the satisfaction of said City Engineer, or shall not have been done within twenty-four hours after the notification form the City Engineer to repair the same, the City Engineer shall have said repairs made, or shall have the Street Commissioner to repair same, and the cost thereof, as compiled by him or the Street Commissioner, shall be deducted from the amount deposited by said person, firm, association, persons or corporations, and the balance of said amount, if any, shall be returned to depositor upon

the surrender of his permit; provided, that said person, firm, association, persons or corporations, agrees by the acceptance of said permit, to pay the City of Beaumont any sum over and above said deposit that it may cost to so repair said street, avenue, alley or sidewalk, and remove said things and obstructions therefrom; provided, further, that any water works company and any gas company may, upon the first day of January each year, give to the City of Beaumont bond in the sum of five thousand dollars each, with good and solvent sureties, to be approved by the Mayor, conditioned in accordance with the provisions of this article, and that all property damage or personal injury will be paid by them if occasioned from failure, default or neglect, on their part to observe the conditions of this article, or to do the work in a proper and skillful manner. The street, avenue, alley, sidewalk and public place, shall be repaired with similar workmanship to that existing in said street, avenue, alley, sidewalk or public place before it was opened. All dirt must be tamped from the bottom of the excavation to the top. Any unused material, tools, benches, debris, trash, dirt and obstructions of any kind shall be removed when the job is completed by the parties making excavations, and if same is not removed within twenty-four hours after notice has been given by the City Engineer, the same shall be removed by the City Engineer, and the cost of removing same shall be deducted from the amout of the deposit given by parties making excavation. Any violation of this Article shall be deemed a misdemeanor.

Article 657. **Must Have Signal Lights.**—That all such persons, firms, associations, persons or corporations, are hereby required to place proper burners, lights or danger signals in or about their work, material, tools, and etc., in order to protect persons and property from injury, on account thereof, and failure to do so is hereby declared to be unlawful, and to constitute a misdemeanor.

Article 658. **Rights of Persons or Corporations to**

Use Streets.—That whenever any street railway company operating or owning any line or lines of street railway, or any person or corporation having the right to lay or maintain waterworks pipes or gas pipes along the streets of the City of Beaumont, shall desire to take up any pavement, or make excavations on any paved or unpaved street or streets of the City of Beaumont wherever its or their tracks or pipes are located, for the purpose of repairing or improving such tracks or removing such pipes or laying new ones, such person or corporation shall have the right to do so upon executing a bond payable to the city of Beaumont in such reasonable sum as the Mayor shall require, conditioned that such person or corporation shall, without unnecessary delay, replace the pavements so taken up or removed, and refill such excavations in the manner required by the City Engineer. Such bond to be approved by the Mayor. Such person, firm or corporation, before beginning such work, shall further obtain from the city engineer a written permit to do so, stating where and the quantity of pavement to be taken up or excavation to be made, which work shall not impede traffic for a greater distance than three consecutive blocks at any one time. Should such person or corporation fail to re-lay any pavement or refill any excavation as required by the city engineer, then upon notification by the city engineer the street commissioner shall replace the same, and all expenses in doing so shall be charged up abgainst such person or corporation, and the bondsmen shall be held liable for the amount of such expense.

Article 659. **Streets to be Barricaded When Being Paved or Repaired.**—When any street or streets in the City of Beaumont are being paved or repaired, the same shall be properly barricaded by the contractors engaged in the performance of this work. Said barricades shall remain until such time as the City Engineer shall declare the same ready for travel and it shall be the duty of the Street Commissioner to see that said barricades are properly kept up.

Article 660. **Prohibiting Removal of Barricades.**—

Any person removing or disturbing any such barricade shall be deemed guilty of a misdemeanor and fined as hereinafter provided.

Article 661. **Prohibiting Use of Street while Being Paved.**—It shall be unlawful for any person to ride or drive any horse or other animal or vehicle of any description over, along or upon, any street of the City of Beaumont while the said street is being paved or repaired before the same shall be declared ready for travel by the City Engineer.

Article 662. **Unlawful to Excavate Without Permission.—Procedure.**—It shall be unlawful for any person, firm or corporation (other than a street railway, water, or gas company) to in any manner disturb or take up any portion of any street, paved or unpaved, in the City of Beaumont, without first having applied to the proper authority of the city for a permit to do so, stating the amount of pavement necessary to be taken up, and depositing with the Mayor the sum of two and fifty one-hundredths ($2.50) dollars for every square yard (nine square feet) of pavement to be taken up, and shall state the time required until said pavement can be relaid; and in unpaved streets a deposit of fifty cents shall be made for every cubic yard of excavation intended to be made as a guarantee to replace said pavement on street, or to repair the same, and to put same in its former condition.

Article 663. **Shall be Done in a Careful Manner.**—Parties taking up any pavement or making any excavation, as provided in the preceding article, shall do so in a careful manner, and on paved streets, shall preserve every part thereof, and in case of any excavation made, shall refill the same and thoroughly tamp and water the earth every three inches in height and leave the same in first class condition for relaying the pavement; and on unpaved streets the excavation shall be refilled in the same manner to a height level with the street, and should any depression afterwards occur in

any line of trench, it shall be refilled until it is permanently settled and flush with the street; and in all cases the street shall be left in as good condition as found.

Article 664. **Duties of Engineer and Street Commissioner.**—It shall be the duty of the City Engineer to notify the Street Commissioner of all places where pavements have been taken up or excavations made, and in event the parties taking up the pavement or making excavations do not relay or refill in a manner satisfactory to the City Engineer, then the City Engineer shall notify the Street Commissioner, who shall at once relay the same in a thorough manner and shall keep and render to the City Engineer an accurate account of all expenses incurred, and file the same with the Mayor, which amount the Mayor shall pay to the Treasurer of the City out of the sum deposited with him, and shall refund the remaining amount, if any, to the person or persons having made the deposit.

Article 665. **Drainage.—Area Shall Not Be Reduced.**—It is hereby made the duty of all persons owning property on paved streets, and in front of whose property wooden or other crossings from the curb wall to the pavement have been constructed, to at once remove the same and construct driveways as is provided in this chapter, and on unpaved streets it shall be the duty of property owners to have all crossings over drains so constructed that they shall in no wise reduce the area of drainage, and the same condition as to cutting any curb wall shall obtain as is provided in the case of paved streets.

Article 666. **Railroad Construction on.**—That whenever the track of any railroad crosses a street or alley in this city, the top rail shall be even with the surface of the street, for the full width of the street, and the street crossings shall be so fixed by the railroad company or its agents. The same shall be observed where they have switches on any street.

Article 667. **Railroad Gutters and Culverts to be**

Properly Constructed.—That where any railroad has gutters or culverts, the same shall be so constructed or covered up and maintained as not to interfere with free passage and convenient travel along the street, and so as not to convey water into any street or lot in the city, and the railroad company, or its agents, shall see that the same are constructed accordingly.

Article 668. **Railroads not to Construct Switch or Track upon Streets Without Permits.**—No railroad company shall construct any switch or track along or across and street in the city without having first gotten a permit from the City Council, and any and every person so doing or aiding in the act shall be deemed guilty of a misdemeanor, and the said company's agent shall in all cases see that the provisions of these ordinances are complied with.

Article 669. **Bicycles Provided with Lamps.**—All persons moving along the streets of Beaumont upon bicycles after dark shall provide for said bicycles a lamp or head light and keep the same lighted while moving.

Article 670. **Providing for Laying off of Blocks, Lots and Streets.**—It shall be unlawful for any person or persons, corporation or corporations, his, its or their agents or employees, to lay off any blocks, lots or streets within the limits of the City of Beaumont without having same to conform as near as practicable with previously laid out blocks, lots or streets of said city, and provided, that when any person, or persons, corporation or corporations, his, its or their agents, or employees, shall lay off any blocks, lots or streets within the limits of the City of Beaumont, they shall first furnish the City Engineer of this city, a correct map of same, which shall receive his approval before same is recorded.

Article 671. **Penalties.**—That any person, persons, firms or corporations violating any of the provisions or articles of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum

not less than five nor more than two hundred dollars, except where the punishment for any of the provisions of this chapter is prescribed therein, in which event such punishment so prescribed shall prevail, and wherein the provisions of this chapter affect the streets, highways, sidewalks, gutters, or public grounds of the city of Beaumont, each day that such violation thereof continues, shall constitute a separate offense and subject the violator to a separate penalty therefor.

CHAPTER XXXVI.
RAILWAYS.

Article 672. **Flagman at Crossings.**—It shall be the duty of each railway company operating a railroad within the corporate limits of the City of Beaumont to keep by day and night at such public crossings as may be designated from time to time by the City Council one or more flagmen, whose duty it shall be to warn passers of the approach of trains, and to see that said crossings are kept free of standing trains, locomotives, or other obstructions.

Article 673. **Crossings to be Kept Clear.**—It shall not be lawful for any railway company to permit any locomotive, engine or train of cars to remain standing upon any public street or street crossing within the corporate limits of the city of Beaumont for a longer period than two minutes.

Article 674. Any Railway Company or any person operating the same as receivers, who shall fail or neglect to comply with the provisions of the two next preceding articles, or who shall neglect within ten days after the passage of an order by the city council to place flagmen at street crossings designated in such resolution, and maintain the same there, shall be liable to a penalty of fifteen dollars, the same to be recovered in a suit brought in the name of said city in either of the Justice Courts in Precinct No. 1, of Jefferson County, Texas.

Article 675. **Railway Company Shall Light Streets.**

—It shall be the duty of each railway company operating trains within the City of Beaumont, over and across the streets of said city to illuminate each crossing unless otherwise ordered by the city council, with an electric arc lamp, not more than seventy-five feet distant from such crossing and not less than twenty-five feet distant from the ground, and of not less candle power than is used in the case of general arc lights and used by the city for lighting streets, which said light shall be so placed and constructed as to light the entire street at the point where same is constructed, and show the condition and location of the track and crossing. If after the expiration of ten days from and after notification shall have been served upon any railway company, any engineer, conductor, fireman or other agent, servant or employee of any railway company who shall run any engine or train of cars between dusk of one day and daylight of the next day, over any line of track not lighted as required by this article, such person shall be deemed guilty of an offense and upon conviction before the city court shall be fined in any sum not less than five nor more than one hundred dollars for each time he may commit the offense, and any railway company, person or corporation, operating a railroad in the City of Beaumont over any crossing, who shall fail to comply with the provisions of this chapter shall be liable to a penalty of fifteen dollars, the same to be recovered in a civil suit brought in the name of the city of Beaumont in either of the Justice Courts of Precinct No. 1 of Jefferson County, Texas, and each day's failure to comply with this article shall constitute a separate offense and liability.

Article 676. **Streets to be Kept Clear.**—That it shall be unlawful for any railroad engineer, train conductor, or other person to cause or allow any railroad locomotive, engine, car or cars, or train of cars, to stop in or remain upon any street or sidewalk with in the corporate limits of the City of Beaumont for a longer period than thirty minutes at any one time. Any person who shall violate the provisions of this article shall be fined

in any sum not less than five nor more than one hundred dollars.

Article 677. **Safe Guards to be Provided.**—Whenever on any street or sidewalk crossed by the track or tracks of any railway company the City Council deems it necessary to provide protection to the persons and property at any such crossings by the erection and maintenance of gates, guards or other protection, said Council may so declare and direct that said railway company shall, within a certain time, to be fixed by the Council, erect, construct and maintain a sufficient safeguard of such character at such crossings, specifying the kind of protection; to be erected, constructed and maintained as aforesaid, whether it be a gate or gates, guard or other protection; and it shall be the duty of the city secretary to serve upon such company named in said resolution a certified copy thereof within ten days after passage of said resolution, leaving a copy thereof with the local agent of said company at Beaumont, or at the general office of said company.

Article 678. **Penalty for Failure to Provide Safeguards.**—Whenever any railroad company shall have been directed by the City Council to erect, construct and maintain at any street or sidewalk crossed by its tracks or track, any gate, gates, guards or other protection as provided in the next preceding article, such company, shall, within the time prescribed in said resolution, construct and thereafter maintain the protection specified in said resolution, under a penalty of one hundred dollars for every failure so to do, and each and every ten days, after the expiration of the time so fixed for the construction of such protection that any company shall refuse or neglect to proceed to the erection and construction of the kind of protection specified, shall constitute a separate and distinct offense, and incur a separate penalty, such penalty to be recovered at the suit of the city in either of the Justices courts of Precinct No. 1, Jefferson County, Texas.

Article 679. **Expense of Safe Guard to be Borne by the Railroad.**—Every such gate, guard or other protection, and the approaches thereto, when so ordered as aforesaid, shall be erected and constructed at the sole cost and expense of said railroad companies, under the supervision of the city engineer and street and bridge committee, and the same thereafter be kept and maintained by such railroad company in proper repair and condition at its own cost and expense, and without cost and expense to the City of Beaumont, and under the direction of the City Engineer and Street and Bridge Committee of said city.

Article 680. **Penalty for Failing to Maintain Safeguards.**—Wherever any gate or guard shall have been erected, under the provisions hereof, it shall be the duty of the railway company, on whom devolves the duty of maintaining and operating same, to keep same securely closed at the approach of and during the passage of any railway train across the part of the street or sidewalk it is designed to protect; provided, same shall not be kept closed longer than five minutes at any one time, and any railway company violating the provisions of this article shall be subject to a penalty of not exceeding fifty dollars, to be recovered as provided in preceding articles of this chapter.

Article 681. **Speed of Railroad Trains in City Limits.—Penalty.**—It shall be unlawful for any engineer or other person in charge of a locomotive or train to run the same within the corporate limits of the city at a greater rate of speed than six miles per hour, and any person so offending shall upon conviction, before the recorder, be fined in any sum not less than twenty-five (25) nor more than one hundred (100) dollars.

Article 682. **Locomotive Bells Must be Kept Ringing.**—It shall be the duty of every engineer or the person in charge of an engine to cause the engine bell to be rung continuously while the engine or cars are in motion, and every person, who shall fail to so do, shall be deemed

guilty of an offense, and shall be fined, on conviction before the recorder, in any sum not less than twenty-five (25) dollars, nor more than one hundred (100) dollars.

Article 683. **Jumping On and Off Railroad Trains While in Motion.**—It shall be unlawful for any person, in this city, to jump off or on, cling or hang to, any railway engine or car while the same is in motion, said person not being a paying passenger or an employee or an official of the railroad company; and any person violating this article shall be fined, on conviction before the recorder, not less than five nor more than fifty dollars.

Article 684. **Boarding Train Without Business Thereon.**—Any person who shall board any passenger, freight or other railway train, whether moving or standing, for any purpose, and without in good faith intending to become a passenger thereon, and with no lawful business thereon, and with intent to obtain a free ride on such train, however short the distance, without the consent of the person or persons in charge thereof shall be deemed guilty of a misdemeanor and upon conviction in the corporation court shall be punished by a fine of not less than five nor more than one hundred dollars.

Article 685. **Soliciting Custom at Railroad Depots.**—It shall be unlawful for any person or persons in any depot, or upon any depot platform of any railroad passenger depot in the city of Beaumont, to solicit or cry out for passengers or baggage for any hotel; railroad or other place, or for the carriage of such persons or baggage, hack, omnibus or other vehicle, and any person so offending shall be fined in any sum not less than five nor more than fifty dollars for each and every offense.

Article 686. **Baggage Masters May be Invested with Police Authority.**—The several depot and baggage masters on duty at the several railway depots in the city of Beaumont may be by the mayor invested with all the powers and authority of policemen for the preservation

of good order at, in and about, their several depots, but may act as such only upon condition that their service in this behalf is without pay from the city.

Article 687. **Depot and Baggage Masters May Assign Stations to Vehicles.**—The said depot and baggage masters are hereby authorized and empowered to assign to the several omnibuses, carriages, hacks, drays and express and baggage wagons, their proper station at the depots, looking only to the convenience of the passengers.

Article 688. **Penalty.**—Any person guilty of a breach of any of the provisions of this chapter, unless otherwise provided shall be fined in any sum not less than one nor more than one hundred dollars.

Article 689. **Depot and Baggage Masters Must Take Oath, Give Bond, Etc.**—No depot master or baggage master shall have the power to use or exercise the authority conferred by this chapter without having taken the oath prescribed for peace officers before the Mayor. He shall wear, conspicuously, a badge inscribed with the words "Special Police" and shall, at all times, be subject to such reasonable regulations as may be made by the Mayor and Chief of Police or the city council.

Article 690. **Railroad Companies Must Make Necessary Drains, etc.**—It shall be the duty of all railway companies, whose lines of road are now constructed or which may hereafter be constructed on or over any street or part of a street in the city of Beaumont, to make, construct and maintain, under the supervision of the Street and Bridge committee, and in accordance with the plans and specifications to be furnished by the city engineer, all such drains, culverts, waterways and ditches and such other connections as shall be deemed necessary by the said committee to properly drain the streets through or over which said railway line may be constructed, and to conduct the water outside the city limits.

Article 691. **Railroad Companies Must Keep Streets in Repair, etc.**—It shall be the duty of each Railway Com-

pany whose lines of road are constructed, or may hereafter be constructed, within the corporate limits of the City of Beaumont, to put in good repair and maintain in good condition on all streets or parts of streets through or over which its lines of road may run, and to keep the same free from obstructions of every kind which said repairs shall be made and constructed under the direction and supervision of the Street and Bridge Committee and the City Engineer.

Article 692. **Railroad Companies Must Construct and Keep in Repair, Bridges, etc.**—It shall be the duty of each railway company to construct and keep in repair all bridges and crossings from curb line to curb line at the intersection of streets with the line of railway, and over all ditches, sewers and culverts on the line of its railway, and to fill up and grade all sinks and gullies adjacent to or on the line of its road, which said work and improvements shall be done and made under the direction of the Street and Bridge Committee and City Engineer, and in such manner and of such material and at such points as may be required by it.

Article 693. **The Street and Bridge Committee to Have Plans Prepared.**—It shall be the duty of the Street and Bridge Committee, whenever in their judgment any action is necessary to enforce the provisions of the three next preceding articles, to cause to be prepared by the City Engineer plans and specifications for such improvements of the character contemplated by said three preceding articles, as they may deem necessary to be made by any person or corporation owning or operating a line of railway within the corporate limits of the city. Such plans and specifications, when so prepared, shall be submitted to the city council, together with a resolution declaring such improvements to be necessary, and directing that such person or corporation be notified to construct the same without delay, the same to be approved and passed by the city council. Said plans and specifications shall be filed in the office of the city secretary.

Article 694. **Notice to Be Given.**—After such plans and specifications shall have been approved by the city council, and said resolution passed, it shall be the duty of the mayor to cause to be notified such person or corporation, by written notice, to begin said improvement within ten (10) days from the service of such notice. Said notice shall be accompanied by a copy of said resolutions, and contain a reference to said specifications, filed as aforesaid, and the same shall be authenticated by the certificate of the city secretary, and in case of a corporation, said notice shall be delivered to its chief officer or agent residing in the City of Beaumont.

Article 695. **Penalty for Failure to Make Required Repairs.**—If any person or corporation shall fail, refuse or neglect to begin said improvements within ten days from the service of said notice, or shall neglect to complete said improvements within sixty days after such notice, such person or corporation shall be liable to a penalty of fifty (50) dollars for each day said failure or neglect shall continue, and it shall be the duty of the mayor to cause suit to be instituted in the proper court for the recovery of such penalty.

Article 696. **Prohibited from Blowing Whistles Over Five Seconds or Blowing out a Boiler.**—All persons are prohibited from blowing any whistle on any locomotive, or single blasts therefrom within the limits of the city of Beaumont for a longer period of time than five (5) seconds, except when there is imminent danger of an accident.

All persons are prohibited from blowing off or blowing out a boiler when crossing any public street, alley or other thoroughfare within the limits of the city of Beaumont.

That each and every person violating any of the provisions of this article shall be fined in any sum, upon conviction, of not less than five dollars and not exceeding fifty dollars.

Article 697. **Crossings to be Opened When Blocked.**

—**By Yard Master.**—If any railroad crossings are blocked when the fire alarm indicates that there is a fire, it shall be the duty of the yardmaster in charge of the train of cars blocking the crossing, and the engineer in charge of the engine pulling the cars, and the watchman in charge of the crossing, to cause the said crossing to be cleared of cars at once, and to be kept clear of cars for a space of fifteen minutes, and the failure on the part of the yardmaster in charge of train of cars blocking the crossing, the engineer in charge of the engine pulling the cars, and the watchman in charge of the crossing to clear said crossing of cars at once and keep same clear for a space of fifteen minutes, shall constitute a misdemeanor and he shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

Article 698. **Prohibiting Switching on Certain Streets.**—It shall be unlawful for any locomotive engineer, fireman, foreman, switchman, yardmaster, conductor or any other agent or employee for any railroad company operating or participating in any manner in the operation, control or management of any locomotive or switch engine or other train or engine of whatever character to switch freight cars on any railway in the City of Beaumont, at any point east of the west line of Orleans street and south of the north line of College street, at its intersection with Railroad Avenue.

Switching in this article shall be construed to mean the pulling or backing across, or the backing across and pulling up of any freight car or cars across the west line of Orleans street or across the north line of College street at its intersection with ailroad avenue, except that the doubling over of any car or cars of a through train from one track to another when handled by the road engine shall not be construed to be switching within the meaning of this article, when the train is too long to clear main line crossings if any, and the west line of Orleans street, or the north line of College street at its intersection with Railroad avenue.

And it shall be unlawful for any person mentioned

in this article, in the management or control of such trains as aforesaid, to make up their said trains and shift and switch freight cars in the preparation and making up of such trains at any point on their line east of the west line of said Orleans street or south of the north line of College street at its intersection with Railroad avenue, or to work thereat in any manner except as hereinbefore provided for, and for the purpose of carrying through trains across said Orleans street and across said College street, and for the further purpose of carrying cars to and from the different business industries located east of the west line of Orleans street or south of the north line of College street at its intersection with Railroad avenue, and the said above mentioned persons are prohibited from creating any unnecessary noise and disturbance in the business portion of the City of Beaumont, east of the Texas and New Orleans Railway Passenger Station when the same could be done further west in the railroad yards than the east line of the Texas and New Orleans Passenger Station.

Article 699. Any person, or persons, agent or employees, of any railway company, who shall violate or refuse to comply with any of the provisions contained in the last above preceding article shall be fined in any sum not exceeding two hundred dollars.

Article 700. **Requiring Railway Companies to Keep Separate Waiting Rooms for Whites and Negroes.**—That each and every railroad company, owning and controlling a passenger depot within the corporate limits of this city, shall keep and maintain two separate and distinct waiting rooms for the accommodation of the traveling public, each with equal convenience and accommodations, one of which to be designated, set apart and used, exclusively for and by the white people, and the other to be set apart for and used exclusively by the negroes.

Article 701. **Shall Designate Each Room.**—It shall be the duty of the agent of such railroad company, having the management and control of same, to designate

said rooms respectively, as follows: Over the front door intended for white people, there shall be placed a sign printed in plain letters bearing the words "White People's Waiting Room," and over that of the colored people's waiting room the following: "Colored People's Waiting Room."

Article 702. **Persons Must Resort in the Proper Room.**—It shall be unlawful for any white person to occupy the room set apart for the negroes, and for the negroes to enter or occupy the waiting room set apart for the white people, nurses and servants excepted.

Article 703. Any person violating any of the provisions of the preceding three articles shall be fined in any sum not exceeding one hundred dollars.

Article 704. **Tracks to be Removed and Reconstructed When Ordered by Council.**—That any steam railway company or street railway company now occupying any paved streets or portion thereof, in the City of Beaumont, shall, when ordered by the city council, raise or remove its tracks from such paved street or portion thereof and reconstruct their road beds upon concrete foundation according to the plan and specifications prepared by the City Engineer of the City of Beaumont. No steam railway company or street railway company shall hereafter occupy any paved street, or portions thereof in the City of Beaumont without constructing its road bed as provided in this article of this ordinance.

That any street railway company or steam railway company occupying any street or portion of street, in the city of Beaumont, ordered paved by the city council of the city of Beaumont, shall raise or remove its tracks from said street, or portion thereof, when ordered by the city council, to do so and reconstruct their roadbeds as provided in this article, and any steam railway company or street railway company granted a right of way over, along or upon any street or portion thereof, in the City of Beaumont, when said street is so ordered paved by the city council, before the track of said steam railway

company or street railway company shall have been laid such steam railway company or street railway company shall not occupy said street or portion thereof without constructing their roadbed in the manner provided for in this article.

Article 705. Such construction to be under the City Engineer. Such construction or reconstruction of roadbed of any steam railway company or street railway company shall be under the supervision and to the satisfaction of the City Engineer of the city of Beaumont.

Article 706. **Procedure on Failure to Obey Such Order of Council.**--If any steam railway company or street railway company shall fail or refuse to raise or remove its tracks from any streets paved, or ordered to be paved, by the city council of the City of Beaumont, as provided in the two preceding articles, the city council shall order the removal of the tracks and appurtenances thereto from said streets, or portions thereof, and such steam railway company or street railway company shall not have the right to occupy the said streets or portions thereof, until it shall have complied with the provisions of this ordinance. But the city council may, at its option, have said work done under the supervision of the city engineer and charge the costs thereof to said railroad companies; and to recover such costs from the said company by suit, in any court of competent jurisdiction.

Article 707. **Locomotives to be Supplied with Spark Arresters.**—That all locomotives operated over, along and upon, any street or portion of street in the City of Beaumont in which wood is used as a fuel, shall be furnished with good, sufficient and latest improved spark arresters.

Article 708. **Penalty.**—Any person, or persons, corporations or receiver, trustee or agent, servant or employee of such corporation, receiver or trusteees, violating the provisions of next preceding article shall be fined in any sum not less than five and not more than twenty-

five dollars and each and every day that such locomotive shall be operated, without good and sufficient spark arresters, shall be deemed and constitute a separate offense and be punishable as such.

CHAPTER XXXVII.
STREET RAILWAYS.

Article 709. **Permission to be Obtained for Constructing Street Railways.**—No street railway company shall hereafter construct any line of street railway upon any street or portions of streets in the city of Beaumont until they shall have first obtained in writing the consent of the Mayor and City Council to do so.

Article 710. **Permission to be Obtained for Relaying Tracks.**—No street railway or other railway company shall replace or put down any track or tracks which have been removed from any street for the purpose of having the same paved or otherwise improved without first obtaining the written permission of the Mayor and city council, and shall also pay their pro rata portion of the cost of such improvements made on such street due at that time, in accordance with the terms of the city charter.

Article 711. **Tracks to be Removed and Reconstructed on Order of Council.**—That any street railway company now occupying any paved street or portion thereof, in the city of Beaumont, shall, when ordered by the city council of the City of Beaumont, remove its track from such paved street or portion thereof, and reconstruct its road bed upon concrete foundation according to the plans and specifications to be prepared by the city engineer of the city of Beaumont, and no street railway company shall hereafter occupy any paved street or portion thereof in the City of Beaumont without constructing its roadbed as provided in this article of this ordinance.

Article 712. That any street railway company, occupying any street, or portion of street, in the City of Beaumont ordered paved by

the city council of the City of Beaumont, shall remove its track from said street or portion thereof when notified by the city engineer and reconstruct its roadbed as provided in this chapter, and any street railway company granted a right of way over, along or upon any street or portion thereof in the city of Beaumont and which said street is ordered paved by the city council, before the tracks of said street railway company have been laid, such street railway company shall not occupy such street or portion thereof without constructing its roadbed in the manner provided in this chapter.

Article 713. **Such Construction Under City Engineer.**—Such construction or reconstruction of the roadbed of any street railway company shall be under the supervision and to the satisfaction of the City Engineer of the City of Beaumont.

Article 714. **Procedure and Penalty Upon Failure to Remove, etc.**—If any street railway company shall fail or refuse to remove its track from any paved street or portion thereof, when ordered by resolution of the City Council as provided in the two preceding articles, or shall fail or refuse to remove its tracks from any street ordered paved by the City Council of the City of Beaumont as provided therein, the city council shall order the removal of the track and appurtenances thereto from said street or portion thereof and such street railway company shall have no right to occupy the said street or portion thereof until it shall have complied with the provisions of this chapter.

Article 715. **Kind of Stringers to be Used.**—No street railway shall hereafter be permitted to use any other than stringers and ties made of heart red cypress or long leaf heart pine.

Article 716. **Street Railway Tracks to be Maintained on a Level.**—It shall be the duty of every person, firm or corporation, owning or operating a street railway or ordinary railroad, on or over streets in the City of Beau-

mont, to keep and maintain all railway tracks owned or used by such persons, firm or corporation, unless otherwise especially authorized or directed by the city council, on a level with the surface of the street roadway occupied by such tracks, and such tracks shall be kept, and maintained by the person, firm or corporation, owning or using the same at all times and in all places in such manner with reference to said roadways as will not necessarily inconvenience, impede or interfere with, the public use of said streets.

Article 717. **Tracks to be Repaired.**—When, from public travel or any natural cause, any portion of the roadway of a street next to or near the rail or rails of such track or tracks shall be removed, worn or washed away, so that such track or tracks will on account thereof unreasonably obstruct public travel and convenience, then it shall immediately become the duty of the person, firm or corporation, owning or using such track or tracks to cause such fillings to be made at such place or places, with the same material with which the roadway is there constructed, as may be necessary to obviate or prevent such obstruction, and to the end that travel upon and over the streets of Beaumont for ordinary purposes shall not be unnecessarily impeded by street car or ordinary railroad tracks.

Article 718. **Unlawful to Interfere with Motorman or Conductor.—Penalty.**—That it shall be unlawful for any person, not authorized by the company owning the cars, to interfere with, hinder or impede any motorman or conductor on any electric street car in the City of Beaumont in the operation and management of said car. That any person violating this article shall be punished by a fine of not less than five nor more than twenty-five dollars.

Article 719. **Unlawful to Jump on and Off Cars.**—It shall be unlawful for any person in the city of Beaumont to jump off or on, cling or hang on, any electric street railway car while the same is in motion, said per-

son not being a passenger who has paid his fare, or an employee, or an officer of the street railway company.

Article 720. **Penalty.**—Any person violating the preceding article shall be fined on conviction before the city recorder, not less than one dollar nor more than twenty-five dollars.

Article 721. **Notice of Needed Repairs on Line of Street Railway.**—It is hereby made the imperative duty of the Chief of Police, deputy chief of police, Street Commissioner, and of police officers, who may notice or take cognizance of any hole, cut or washout, on any street on which the Beaumont Traction Company or other street railway companies run their cars, and which hole, cut or washout, is or may be the means of impeding travel, by cause of the track of said company being higher or lower than the street, to immediately give notice to a local officer of said company to have the same repaired and placed at a proper grade, with gravel, sand or shell, or other proper material, to a distance of not less than two feet from either side of the track, and in such manner as that at any time any vehicle may cross said track without danger or inconvenience thereto.

Article 722. **Neglect to Make Repairs After Notice.**—If after any local officer of said railroad company has been notified to make any such repair, and the company shall fail or refuse to do so, he shall be liable to the penalty hereinafter imposed, and each day that such repairs are not made, after such notice, shall be a separate offense.

Article 723. **Street Railway Company to Keep Crossings in Repair.**—It shall be the duty of the Beaumont Traction Company, or other street railway companies having tracks upon the streets of the city of Beaumont, to keep up in good repair all crossings from curb to curb at the intersections of other streets over which their line of railway runs, at their own proper cost and expense.

Article 724. **Steam Railway Companies and Street Railway Companies Must Construct and Keep in Repair Bridges, etc.**—It shall be the duty of each steam railway company and street railway company to construct and keep in repair all bridge and crossings from curb to curb at the intersection of streets with their line of railway, and over all ditches, sewers and culverts on their lines and to fill up and grade all sinks and gulleys adjacent to or on the line of its road, which said work and improvement shall be done and made under the direction of the Street and Bridge Committee and city engineer, and in such manner and of such material, and at such points, as may be required of it.

Article 725. **Electric Lights at Crossings.**—It shall be the duty of each steam railway company and each street railway company operating trains or cars within the City of Beaumont, over and across the streets in said city, to illuminate such streets, at such points and places thereon, as shall be designated by the city council, of the said city, whenever said city council shall by resolution require such illumination. The lights therefor shall not be less candle power than the arc lights now in use by the city for the general street lights.

Article 726. **Penalty.**—Any steam railway company or street railway company, person or corporation operating a steam railroad or street railroad in the City of Beaumont, who shall fail to comply with the provisions of this chapter, shall be liable to a penalty of $15.00, the same to be recovered in civil suit brought in the name of the City of Beaumont, in either of the proper justice courts of Jefferson County, Texas, and each day's failure to comply with this chapter shall constitute a separate offense and liability.

Article 727. **Steam Railway Companies and Street Railway Companies Must Make Necessary Drains.**—It shall be the duty of all steam railroad companies, whose lines of road are now constructed, or which may hereafter be constructed on or over any streets or parts of a

street in the City of Beaumont, to make, construct and maintain, under the supervision of the Street and Bridge Committee, and in accordance with the plans and specifications to be furnished by the city engineer, all such drains, culverts, waterways, ditches, and such other connections as shall be deemed necessary by the said committee, to properly drain the streets through or over which said railway lines may be constructed, and to conduct the water outside the city limits.

Article 728. **Street and Bridge Committee to Have Plans Prepared.**—It shall be the duty of the Street and Bridge Committee whenever in their judgment any action is necessary to enforce the provisions of this chapter to cause to be prepared by the city engineer plans and specifications for such improvement of the character contemplated by said articles as they may deem necessary to be made by any person or corporation owning or operating a line of railway within the corporate limits of the city such plans and specifications when so prepared shall be submitted to the city council, together with a resolution declaring such improvements to be necessary, and directing that such person or corporation be notified to construct the same without delay, the same to be approved and passed by the city council. Such plans and specifications shall be filed in the office of the city secretary.

Article 729. **Notice to be Given After Said Plans and Specifications Shall Have Been Approved by the City Council and the Said Resolutions Passed.**—It shall be the duty of the Mayor to cause to be notified such person or persons, by written notices to begin such improvements within ten days from service of such notice. Said notice shall be accompanied by copy of said resolutions and contain a reference to said specifications filed as aforesaid, and the same shall be authenticated by certificate of the city secretary, and in case of a corporation, said notice shall be delivered to its chief officer or agent residing in the City of Beaumont.

Article 730. **Penalty for Failure to Make Required**

Repairs.—If any person or corporation shall fail, refuse or neglect, to begin said improvements within ten days from the service of said notice, or shall neglect to complete the said improvements within ninety days after such notice, said person or corporation shall be liable to a penalty of $50.00 for each day such failure or neglect shall continue and it shall be the duty of the Mayor to cause suit to be instituted in the proper court for the recovery of such penalty.

Article 731. **Penalty for Failure to Comply with Any Ordinance.**—That if any Street or other railway company shall fail or neglect to comply with any ordinance of the city relating to the use of streets by such railway company, it shall be proper for the mayor to cause to be delivered to one of the resident managing officers of such company a notice, in writing, calling the attention of such company to the ordinance violated, and to the particular manner in which same is violated; and thereupon, unless such company shall, within ten days after the delivery of such notice, comply, in the particulars thus pointed out, with such ordinance violated, such company shall be liable to a penalty of one hundred dollars, and each day that shall elapse thereafter, before said ordinance shall be complied with, shall constitute a separate offense, and such penalty shall be collected in a civil suit, brought in the name of the city of Beaumont against the company so offending, in either of the Justices Courts of Precinct No. 1, Jefferson County, Texas.

Article 732. **Prompt Compliance with Orders Required.**—It is hereby made and declared to be the duty of every person, firm or corporation owning or using such tracks in the streets of said city to immediately comply with all such reasonable commands, orders or directions, as may be given them, either by the mayor or city council of said city, relative to the performance of such acts on their part of any reasonable character whatever as may be deemed necessary to secure the end above mentioned.

Article 733. If any person, firm or corporation shall

fail to comply with the provisions of this chapter or shall fail to comply with the terms or provisions of any ordinance of the city granting to such person, firm or corporation, privileges connected with the use of the streets in the City of Beaumont, such person, firm or corporation, where not elsewhere provided, shall be liable to a penalty of one hundred dollars, the same to be recovered by a civil suit instituted in a court of competent jurisdiction, and each and every day's neglect on the part of such person, firm or corporation to comply with the provisions of this chapter, or those of any article granting such special privileges, shall constitute a separate offense.

Article 734. **Children Under Five to be Transported Free, When.**—All such persons, firms, corporations or receivers are required to transport children of the age of five years, or less, when attended by a passenger above such age, free of charge.

Article 735. **Rates for Adults.**—All persons, firms, corporations or receivers, owning, running, leasing or operating, street railways upon and over streets within the corporate limits of the City of Beaumont, Jefferson County, Texas, are required to carry passengers on said lines of street railway for a fare not to exceed the sum of five cents for passengers over the age of twelve years, for one continuous trip of any distance within the said city limits; provided, that nothing in any portion of this chapter shall be construed as an attempt to change the rate of fare fixed by an act of the Legislature of the State of Texas, regulating fares for children and students in certain cities and towns, approved April 10th, 1903.

Article 736. **Fares for Children Between Ages of Five and Twelve Years.**—All persons, firms, corporations or receivers, owning, running, leasing or operating street railways upon or over the streets of said City of Beaumont are required to carry children of five years of age or between the ages of five years and not exceeding twelve years of age, within said City of Beaumont, at

and for not exceeding one-half charge of fare regularly collected on said cars for the transportation of adult passengers.

Article 737. **Must Furnish Books for Half Fare.**—It shall be the duty of said person, firm, corporation or receiver, so operating street railways in said city, to furnish and supply children of five years of age or between the ages of five years and not exceeding twelve years of age, with tickets good for one fare of such child or children over any of its lines within the said City of Beaumont; said tickets to be sold by the officers and agents of said railway company at its office in the City of Beaumont in books of not less than ten tickets to said children, their parents or guardians; said ticket to be good when presented by any child or children within the ages mentioned.

Article 738. **Students Transported at 2 1-2 Cents Going to and from School.**—That any firm or corporation now or that may hereafter be engaged in operating street cars in the City of Beaumont be and they are hereby required to transport any and all children not over the age of seventeen years, who are students in actual attendance upon any academic, public or private school situated within the corporate limits of the City of Beaumont for two and one-half cents a trip going to and from school.

Article 739. **Tickets for Students to be Provided in Book Form.**—Such firm or corporation operating such street cars shall sell or provide for the sale of tickets in lots of twenty, each good when detached in the presence of the conductor and presented by the student to whom the same were sold for one trip over the line or lines of the railroad operated by such firm or corporation in going to and from school. Such tickets are required to be sold only upon the presentation by the student, his or her parent or guardian desiring to purchase the same a written certificate of the principal of the school upon which the student is in actual attendance, showing that such student is not more than seventeen years of age,

and is in regular attendance upon such school such tickets tickets are not required to be sold such students and shall not be used except on the days on which such school or schools are in actual session, and such students shall be transported at such reduced fare only on the presentation of such tickets. Such tickets shall be placed on sale at some convenient place in the city to be designated by such firm or corporation and shall not be required to be sold at any other place.

Article 740. **Students Entitled to Same Rights as Others.**—Students riding on such tickets shall be entitled to the same rights as to the use of transfers as passengers paying full fare.

Article 741. **Penalty for Violating Above Articles.**—Any officer of such firm or corporation or other person, who shall knowingly violate any of the provisions of the three preceding articles, shall, upon conviction, be deemed guilty of a misdemeanor and be fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

Article 742. **Penalty for Misrepresenting Age, or that Child is student.**—Any person, who shall misrepresent the age of any student, or that such child is a student in regular attendance upon such school for the purpose of securing the reduced fare herein provided, shall upon conviction, be deemed guilty of a misdemeanor and be fined not less than twenty-five ($25.00) nor more than one hundred ($100.00) dollars.

Article 743. **Must give Transfers.**—That any person who has paid the fares provided for herein, or by the law passed by the Legislature of the State of Texas, hereinbefore referred to, shall be entitled to receive, and said person, firm or corporation or receiver owning, leasing or operating any street railway within the corporate limits of the City of Beaumont, as aforesaid, is required to give such person, a transfer ticket to any line of street railway owned, run, leased or operated by such person, firm or corporation or receiver, within said cor-

porate limits of the City of Beaumont, which joins, connects with, crosses or intersects the line of street railway upon and over which said person has ridden, who has paid the fare provided by this chapter or by the law of the State of Texas before referred to, the said transfer ticket to be given such person on demand therefor, and said transfer ticket shall entitle such person, without further charge, to be carried on any such other line adjoining, connecting, crossing or intersecting, the line on which the fare was paid, as aforesaid, owned, run, leased or operated by such person, firm, corporation or receiver, for a continuous trip of any distance on said line within the corporate limits of the said City of Beaumont, if passage be taken by the person holding the transfer on the first available car passing over the line named in the transfer after alighting from the car on the line on which the original fare was paid.

Article 744. **Cars Must Contain Notices of this Chapter.**—Each and every car subject to the provisions of this chapter shall be provided on the inside with two or more conspicuous notices containing so much of above article relating to transfer tickets as may be necessary and it shall be the duty of every person, firm, corporation or receiver owning, leasing, running or operating, such street railways, and of each and every person in charge of or operating the cars thereof, to provide such notices in said cars as aforesaid.

Article 745. **Penalty for Conductors Not Supplying** Transfers.—Any person, firm, corporation or receivers, owning, leasing, running or operating, such street railways within the corporate limits of the City of Beaumont, or any manager or superintendent thereof, by failing to sell the books of tickets herein provided for, or by refusing to permit any child between such ages to ride on such tickets,, or who shall violate any provision or provisions of Article 563 to 733 inclusive, shall be fined, upon conviction, not less than twenty-five and not more than one hundred dollars, and any conductor

or other person in charge and control of any car violating any of the provisions of this chapter, by refusing to deliver such transfer ticket, when demanded by a passenger entitled to same hereunder, shall be fined not less than twenty-five nor more than one hundred dollars upon conviction.

Article 746. **Penalty for Failure to Supply Books.**—Any manager, superintendent or other agent, who shall fail or refuse to provide and keep supplied at any and all times a sufficient number of such transfers and children's tickets, as before provided, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Article 747. **Not to Apply to More than Two Lines.**—This article shall not be construed so as to require the transportation to be furnished to any person over more than two lines of a street railway for one fare.

Article 748. **Unlawful to Monopolize End Seats.**—It shall be unlawful for any person or passenger to monolize the end of seats on street cars when other passengers seek seat thereon, and thereby force said passengers to push by or climb over them.

Article 748. **Must Move When Requested.**—Each person or passenger who takes a seat on a street car in which the seats run crosswise shall, when another person enters, move further from the entrance to said seats, so as to make room for said person or passengers, and keep moving as passengers enter until the seat is filled.

Article 750. **Penalty.**—Any person violating any of the provisions of the two preceding articles shall, on conviction, be fined not less than five dollars and not more than twenty-five dollars for each and every offense.

Article 751. **Street Cars Must be Vestibuled When Used from November to March.**—That it shall be unlawful for any street railway company or superintendent

or manager or receiver thereof, operating electric cars along the streets of the City of Beaumont, to knowingly allow any electric car of said company to run along any street in said city between the first day of November and the first day of March of any winter unless the front and rear platforms of said cars be protected from the inclemency of the weather by suitable and sufficient material to reasonably exclude the cold air, rain and snow.

Article 752. Any manager, superintendent, or receiver of such electric street railway company who shall violate any provision of the foregoing article shall be adjudged guilty of a misdemeanor and, upon conviction in the Corporation Court, shall be fined in any sum not less than ten dollars nor more than fifty dollars for each violation of this article, and each car being so run in violation of this article for any one day, or part thereof, shall be considered a separate offense.

Article 753. **Street Railways Must Provide Separate Compartments.**—Every street railway company, lessee, manager, receiver or owner thereof, operating street cars in the City of Beaumont as common carriers of passpassengers for hire, shall provide separate cars for the accommodation of white and negro passengers, which separate cars shall be equal in all points of comfort and convenience.

Article 754. **How Divided or Partitioned.**—Each compartment or division of a car, partitioned, divided or screened in a substantial way, and plainly separating the portion of the car to be used by each race shall be deemed a separate car within the meaning of the above article, and each separate car shall have in some conspicuous place appropriate words in plain letters, indicating the race for which it is set apart.

Article 755. **Term "Negro" Defined.**—The term "negro" as used herein includes every person of African descent, as the same is defined by the Statutes of the State of Texas. All persons not included in the definition of

"negro" as above defined shall be deemed a white person within the meaning of this chapter.

Article 756. **Penalty for Failure to Provide Separate Compartments.**—Any street railway company, lessee, manager or receiver or owner thereof which shall fail to equip and operate its system or road with separate cars for passengers, as above provided for, shall be liable for each and every failure to a penalty of not less than twenty-five nor more than one hundred dollars, to be recovered by the City of Beaumont by suit in any court having competent jurisdiction, and each trip run with any such car or string of cars without separate cars as herein defined shall be deemed a separate offense.

Article 757. **Conductors shall have Right to Refuse Passage.**—The conductors on all separate cars herein defined shall have the authority to refuse any passenger or person the right to sit or stand in any separate car in which said passenger or person is not entitled to ride under the provisions and within the meaning of this chapter, and such conductor shall have the right also to remove from a car or division thereof any passenger not entitled to ride therein under the provisions of this chapter, and such person so removed shall not be entitled to return of any fare paid.

Article 758. **Penalty for Passengers Violating Foregoing Article.**—If any passenger upon any street car provided with separate cars within the meaning of this chapter shall ride in any car not designated for his race, after having been forbidden to do so by the conductor in charge of said car, he shall be guilty of a misdemeanor and shall be fined, upon conviction, not less than five nor more than twenty-five dollars.

Article 759. **Do Not Apply to Nurses.**—The provisions of this chapter shall not be so construed as to prohibit nurses from riding in the same car with their employers, even though of different race, and shall not prohibit officers from riding with prisoners in their charge.

Article 760. **Shall Not Apply to Special or Excursion Cars.**—The provisions of this chapter shall not apply to any excursion car or special cars strictly as such for the exclusive benefit of either race, but in all such cases said cars shall be plainly marked "Excursion Car" or "Special Car."

Article 761. **Prohibiting Misconduct on Street Cars.**—That it shall be unlawful for any passenger in any car or coach of any street railway company to use profane, vulgar or abusive language or to be guilty of any indecent, lascivious or disorderly conduct or to smoke any pipe, cigar or cigarette, or to drink any intoxicating liquor or to spit on the floor, seat, inside walls or platforms or to throw any peeling or trash of any kind upon the floor of any car or to place their feet on the seats of any car or coach of any street railway company, or to wilfully disturb the peace or convenience of any other passenger or passengers being transported over or upon any car or coach provided that smoking upon the platforms is not herein prohibited.

Article 762. **Prohibiting Children Catching onto Cars While Moving.**—It shall be unlawful for children under the age of 16 years to catch or attempt to catch onto or board any street car while the same is in motion.

Article 763. **Prohibiting Refusal to Pay Fare.**—It shall be unlawful for any person other than an employee or officer of the street railway company to refuse to pay his or her fare when called upon by the conductor of such car to do so.

Article 764. **Prohibiting Obstructing or Disturbing Tracks or Cars.**—It shall be unlawful for any person to throw, place or leave any impediment or obstruction of any kind upon the tracks of any street railway company within the limits of the City of Beaumont, or to deface, displace or disturb in any manner any car or coach, switch, track or other property belonging to said company without the consent of the owners or agent thereof.

Article 765. **Prohibiting Delay of Cars by Riding**

or Driving on Tracks.—It shall be unlawful for any person by riding or driving upon the street railway company's track or by leaving any vehicle thereon to unnecessarily delay or impede the operation of a street car, but the car shall be entitled to the track and any vehicle upon the track shall be turned out, when any car approaches, so as to leave the track unobstructed; provided, that persons moving any article to or from any vehicle shall be allowed a sufficient and reasonable time to load or unload the same. Provided that in case of fire the Fire Department shall have the right of way and upon the approach of the Fire Department, the street car shall be brought to a dead stop except when on a crossing when the car shall, if possible, clear the crossing and stop.

Article 766. **Penalty.**—Any person who shall violate any of the provisions of the five preceding articles shall upon conviction thereof, be fined in any sum not less than one nor more than twenty-five dolars.

Article 767. **Cars to have Conductors and Motormen.—Rate of Speed.**—No street car shall be propelled or operated within the limits of the City of Beaumont, without having one conductor and one motorman thereon, provided that in case of emergency the Mayor shall have authority to issue a permit to operate cars without a conductor, said permit to contain such conditions or restrictions as the Mayor may deem necessary or expedient. No car shall be propelled or run at a greater rate of speed than ten miles per hour within any portion of the following prescribed limits of the City of Beaumont, to-wit:

The entire length of Pearl Street, and from Pearl Street to Park Street on College Street, and Pearl Street to Park Street on Milam Street, and at no greater rate than 15 miles per hour within the corporate limits not hereinabove described, and no car shall be propelled at a greater rate of speed than three miles per hour around any curve at street corners within the corporate limits of the City of Beaumont.

Article 768. **Penalty**—Any street railway company lessee, receiver or agent, superintendent or employee of such company who shall violate any of the provisions of the foregoing article shall, upon conviction, be fined in any sum not less than five dollars nor more than one hundred dollars.

Article 769. **Cars to be Provided with Head Lights.** —The said cars shall be provided with good and sufficient headlights, which shall be kept burning from dark until so long as said cars are operated in the night.

Article 770. **Penalty.**—Any street railway company or any agent, superintendent, or employee of such company violating the provisions of the preceding article shall, upon conviction, be fined in any sum not less than five nor more than one hundred dollars, and the motorman and conductor, as well as the railway company shall each be liable if the car in their charge is not provided with a head light as in this section provided, and every trip made without a head light as herein provided, shall constitute a separate offense.

Article 771. **Cars not to Stop on Crossings.—Conductor Shall Sound Gong.—Penalty.**—No street car shall stop on any crossing or any railroad track except to avoid accidents. All street cars shall be stopped and the bell or gong sounded at a distance of five feet from the intersection of any other street railway company's track or any steam railway company's track, and any motorman, conductor or other person violating the provisions of this article shall, upon conviction, be fined in any sum not less than five nor more than one hundred dollars.

Article 772. **Other Provisions Applying to Street Railways.**—The provisions, articles and penalties prescribed under the chapter on "Railways" which are applicable to Street Railways and the regulation thereof and to persons in charge or employed thereby, and which ane not in conflict with the provisions of this chapter are hereby adopted and declared to apply to street rail-

ways, and the regulations thereof, and to persons in charge thereof or employed thereby, as fully as if specifically set out herein.

CHAPTER XXXVIII.

HACKS, CARRIAGES AND DRAYS.

Article 773. **Definition of "Carriage."**—The term "carriage" as used in this chapter, includes every kind of vehicle running upon wheels including bicycles, except where otherwise specially named.

Article 774. **Every Driver to See that his Vehicle has a License.**—The driver of every carriage or other vehicle, subject to the payment of license due under the the provisions of this chapter, shall see to it that the vehicle he drives is licensed under a license to be issued by the Assessor and Collector of the City.

Article 775. **Record Number to be Kept.**—The Assessor and Collector shall keep a record in which he shall enter the names of all owners of carriages, and the number and date of each license. He shall furnish the owner of the carriage license with a number for his carriage, which shall be kept conspicuously fixed thereon.

Article 776. **License Fees.**—The License fee per annum shall be as follows, to-wit: For each and every dray, furniture cart, grocery or other delivery wagon, or other vehicle, on which a license may be charged, one ($1.00) dollar.

Article 777. **How Long Shall Run.**—All license dues above provided for shall run from the first day of January one year to the first day of January next year.

Article 778. **License May be Transferred.**—The license above provided for may be transferred to the purchaser upon the sale of the carriage being made, bu t the Assessor and Collector shall be notified of such sale and transfer within five days after such sale and transfer being made, or the license is absolutely forfeited.

Article 779. **Drivers Must Respond to Call.**—The driver of every carriage, when unemployed, shall, on demand, go to any place in the inhabited part of the city, and there load his carriage, and shall not refuse to carry such load to any other place in the city to which he may be required to go, upon his legal fare being tendered him.

Atricle 780. **What is a Load.**—That a full load for a dray or cart shall not exceed twelve hundred pounds in weight, provided, that the above shall not apply to household furniture, pianos or trunks.

Article 781. **Charges Allowed.**—The prices or rates to be charged by the owners, lessees, drivers or operators of drays, wagons, trucks and other vehicles carrying freight or baggage for hire, within the limits of the City of Beaumont, shall not exceed those in the following schedule, viz:

For a load conveyed to any place within one mile, twenty-five cents.

For every load conveyed to any place exceeding one mile, at the rate of fifteen cents per half mile and twenty-cents per mile.

For a load of household furniture on two-horse truck or wagon, within two miles, as per agreement.

For one piano or organ, within two miles, as per agreement.

For one trunk within one mile, twenty-five cents; within one and one-half miles, forty cents; within two miles, fifty cents.

A mile as herein used is defined to be sixteen squares by the most direct route.

The driver shall load and unload all freight, etc. hauled. and shall load and unload pianos and trunks, and place them where desired in house where delivery is made.

Article 782. **Shall Carry and Deliver Articles in Ac-**

cordance herewith, **Penalty.**—No owner, lessee, driver or proprietor of any of the vehicles named, licensed as required by the ordinances of the City of Beaumont, who shall refuse to carry, within the said city, the baggage, goods, or merchandise of any person when applied to for that purpose, or having undertaken to convey such baggage, goods or merchandise, or other thing, shall omit or neglect to do so, or who shall state to, ask, take or extort, from any person desiring to have, or having had, conveyed to any place in said city such baggage, goods or merchandise or other thing, as the price or rate of fare for such conveyance than that herein established, shall be deemed guilty of an offense, and shall be fined, upon conviction, not less than five dollars and not more than twenty-five dollars.

Article 783. **May Retain any Article Until Paid.—Disputes Settled How.**—That every owner, lessee, driver or operator of any of the vehicles above named shall be entitled to be paid the legal rate or compensation provided in this chapter immediately upon carting or transportation of any article or thing, and it may be lawful for any such owner, lessee, driver or operator of any such vehicle to retain any article or thing so carted or transported by him, for which he is not so paid the legal price or rate, until paid. All disputes or disagreements as to the distances or rates of compensation between owners, drivers, lessees or operators of such vehicles and persons employing them shall be determined by the Chief of Police, or the person at the Police Station in charge thereof, and in the vent that the decision is against the person employing such vehicle, he shall pay the rate of prices for re-hauling same to destination, and if in his favor, the article or things shall be hauled to destination without other charge than the charge decided by the Chief of Police to be the proper charge for the original hauling.

Article 784. **Unlawful to Leave Carriages Unattended and Unhitched.**—It shall be unlawful for the owner or driver of any carriage, either public.. or private, to

leave his carriage at any place in the city without leaving the animals attached to the same in charge of and held by some person over the age of ten years, or without having securely fastened said animals to some stationary object, or to a twenty-eight pound weight, so as to secure the same from running in the streets or obstructing the travel thereon.

Article 785. **How to Receive or Discharge Passengers or Freight.**—All hacks, drays or other carriages shall have the right to drive or back to any sidewalk in the city, and remain there a reasonable length of time to receive or discharge passengers or freight, but it shall be unlawful to remain longer than a reasonable time to do so, or after the owner or occupant of the premises in front of which the carriage may be standing shall have requested the owner or driver of such carriage to move away. A reasonable length of time as contemplated in this article, is in no event to exceed thirty minutes.

Article 786. **Fast Driving.**—It shall be unlawful for the driver of any carriage or other vehicle, either public or private, to drive through any streets of the city in a gait faster than six miles per hour, or to turn any corner at a gait faster than a walk.

Article 787. **Duty of Driver in Case of Collision.**—If any accident or injury shall happen by reason of any collision of carriage with carriage, or carriage with horsemen, or with other persons, it shall be the duty of the carriage drivers mutually to stop and render all needful assistance, and upon being requested to do so, to give his name, place of abode, and the license number of his carriage to the person so requesting.

Article 788. **Intoxicated Drivers.**—It shall be unlawful for the driver of any carriage or other vehicle to drive through the streets of the city while in a state of intoxication, and it shall be the duty of the Chief of Police and any policeman to arrest such driver immediately, and take him from his carriage or other vehicle and take his carriage or other vehicle to the nearest livery stable.

Article 789. **Licensed Vehicle a Hack.**—Every licensed vehicle for the conveyance of passengers shall be considered a hack within the meaning and intent of this chapter.

Article 790. **Vehicles and Cars shall not Loiter.**—Vehicles for hire and street cars shall not loiter or stop upon any street or avenue except at the regular public stands established by this chapter; provided, any such vehicle or car may stop at any place for the purpose of receiving or discharging freight or passengers, and provided, that this article and this chapter shall not be construed as preventing such vehicles or cars from stopping when required to do so by any accident or conditions which may render it impossible for such vehicle or car to proceed; provided, this chapter shall not prevent the standing of hacks at the different depots when waiting for trains, the space in front of such depots being here established as public hack stands.

Article 791. **No Two Vehicles to Stand Abreast.**—In no street designated as public stands for vehicles for hire, shall vehicles arrange two abreast, but shall stand near the curbs in single file, so as not to block access to other vehicles desiring to gain entrance to the doorways along said street. The first vehicle arriving at any stand shall have the first choice of the place, the second, the second place, and so forth.

Article 792. **Shall Take as Little Room as Possible.**—Vehicles occupying said public stands shall, in taking their positions at such stands, do so with a view of permitting and allowing room for other vehicles to approach and gain access to the sidewalks in front of all entrances to buildings fronting on said streets, and shall occupy positions as hereinbefore provided, in front of dead wall as nearly as possible.

Article 793. **Charges for Services.**—The charge for the service of carriages, hacks, omnibuses and motor vehicles within the City of Beaumont, for the transportation of passengers, shall not exceed those stated in the following schedule, namely:

Provided, that for children, not exceeding two in number, under five years of age, accompanied by adults, no charge shall be made.

Day rates (betwen 5 A. M. and 12 midnight).

By the trip: One mile or less, one passenger, 50 cents; each additional passenger in the same party to the same destination, 35 cents; each additional half mile or less, one passenger 25 cents; each additional passenger in the same party to the same destination, 15 cents.

Night rates (between 12 midnight and 5 A. M.)

By the trip: One mile or less, one passenger, 75 cents; each additional passenger in the same party to the same destination, 50 cents; each additional half mile or less, one pasesnger, 35 cents, each additional passenger in the same party to the same destination, 25 cents.

By the hour: First hour, one or more passengers, $1.50 between the hours of 5 A. M. and 12 midnight; $2.00 between the hours of 12 midnight and 5 A. M.; each additional quarter hour or part thereof, one or more passengers, 25 cents day or night.

When vehicles are not engaged by the hour, trip rates shall be charged.

When charges for trip or trips exceed rates per hour, charges shall be paid by the hour.

The driver of a public vehicle shall travel by the most direct route, and if he travels one mile or more, to make response to a call may charge an additional 25 cents therefor.

Children between five and twelve years of age, one half rates, when accompanied by an adult or a full fare of one of the occupants. The driver of such vehicle may be entitled to make charge not to exceed 50 cents for each trunk; and each passenger shall be entitled to have conveyed without charge such other valises or small package as may be carried by hand. The driver shall

load and unload all baggage, and check same if requested to do so, without additional charge.

A mile, as herein used, is defined to be sixteen squares by the most direct route.

Article 794. **Must Have Card Showing Rates.**—Every vehicle named in this chapter shall have permanently affixed to the interior thereof, in a place readily to be seen by passenger, a receptacle that shall contain at all times a card, upon which shall be printed the foregoing schedule of rates; and the number of the driver's license; and no other cards, papers or things whatever shall be carried in said receptacle; the said receptacle and card must be approved by the Chief of Police.

Article 795. **Carriages Must Have Lamps and Numbers Thereon.**—It shall be the duty of the owner of every public hack and carriage to furnish each of such carriages with two lanterns, one to be placed on each side, and every vehicle named in this chapter shall have plainly indicated on the glass of its lamps, the number of its license and the figures of such numbers shall not be less than one and one-half and not more than two inches in height; the said number and its position upon the glass of the lamps shall be subject to the approval of the Chief of Police.

Article 796. **May Accept Less Than Legal Fare.**—If any owner, lessee, driver or operator of any of the vehicles herein named, shall agree, before being engaged, to accept less than the legal fare, he shall not afterwards demand more than the amount agreed upon.

Article 797. **Passenger Must Pay Legal Fare.**—Any person who shall refuse to pay the legal fare, as prescribed in this chapter, for a vehicle that he has hired, shall upon conviction thereof be compelled to pay the owner, driver or lessee or operator of said vehicle an amount equal to the legal fare, and shall be fined not less than five dollars and not more than ten dollars; provided, that the payment of fare may be demanded in advance.

Article 798. **Must Carry Pasengers When Full Fare**

is Tendered.—If any owner, driver, lessee or operator of any vehicle herein named shall refuse to convey a passenger, at the rates hereinbefore provided, or demand and receive an amount in excess of his lawful fare, he shall be liable to a fine as provided in this chapter and shall return to such passenger any amount he may have received in excess of the legal fare.

Article 799. **Carriages Must be Kept Clean and in Repair.—May be Condemned.**—It shall be the duty of every owner or driver of a carriage for the conveyance of passengers and baggage to keep the same in a state of cleanliness and repair, with the floor and cushions carefully brushed. He shall keep the windows of the same in repair and should any window of the same be broken, he shall forthwith have it repaired, and it shall be unlawful for him to drive any carriage for the conveyance of passengers until such repairs shall have been made, and any vehicle for the conveyance of passengers for hire, which is in an unsafe, unsanitary and unsightly condition, may be condemned by the Chief of Police, or a committee designated by the Mayor to inspect same; and if the owner, driver, lessee or operator thereof shall continue to utilize said vehicle without having first made the same safe, sanitary and sightly, he shall be fined as provided herein.

Article 800. **Must Take Position Within Twenty Feet From Street Crossings.**—Vehicles in taking positions at stands shall take position at least twenty feet away from the crossings and intersections of cross streets, and parallel with the curbing.

Article 801. **Stands not for Exclusive Use.—The** designation of certain portions of streets herein as public stands for vehicles for hire shall not be construed to grant to such vehicle the absolute and exclusive right to said portion of such street, but they shall always permit other vehicles desiring to approach the sidewalk on said street for the purpose of receiving or discharging passengers or freight, or to transact other business with persons in any building fronting on said street to do so by

making room for them, and that such other vehicle shall move out just as soon as it has deposited its passengers or freight, or transacted its business, and permit the vehicle originally occupying such stand to have its place.

Article 802. **Carrying Invalids.—Duty in Certain Cases.**—The owner or driver of any carriage for the conveyance of passengers shall be at liberty to refuse to carry any invalid, even upon tender of his legal fare, whose appearances shall justify him in believing the disease or sickness from which such invalid is suffering to be infectious or contagious. And should such owner or driver at any time have reason to belive that he has inadvertently driven any person suffering from such disease or sickness, he shall forthwith report the fact to the Health Officer, with a view to have his carriage disinfected, and at the same time, shall make known the address to which he drove such invalid.

Article 803. **Hacks at Depots.**—All hacks at depots to meet trains shall drive to the curb or platform of such depot, and take their stand thereat with the back of their carriages or hacks stationed to the platform or curb in such way that both hind wheels of such carriages, vehicles or hacks shall rest squarely against the said curb or platform, and in conformity with the direction of the police officer stationed at such depot.

Article 804. **Unlawful Soliciting Defined.**—It shall be unlawful for any other except the actual owner or driver of any hack, bus, baggage wagon, or other vehicle carrying passengers or baggage to solicit custom for the same at any railroad depot in the city. It shall also be unlawful at any depot in the City of Beaumont, for drivers of hacks, 'buses or baggage wagons or other vehicles carrying passengers or baggage, or any runners for hotels or boarding houses, to leave their respective vehicles, or the place assigned to them by the depot officers, to solicit custom, unless previously called upon by passengers or officers, or to call out in a loud or noisy manner to solicit custom on arrival of passenger trains at any railroad depot in the city.

Article 805. **Prohibiting the Transportation of Certain persons, Except to and from Depot and on Business, etc.**—It shall be unlawful for the driver or owner of any carriage to haul or take as a passenger any common prostitute, bawd, or woman of notoriously lewd character about and through the streets of Beaumont, provided nothing in this article shall prohibit the carrying of such persons as passengers to and from the depots and to courts, where they have been summoned to appear, or where they go to make complaint, or to any other place where they may have lawful business.

Article 806. **Washing Hacks, etc. on Pavement.**—It shall be unlawful for any owner or driver of any carriage, hack, wagon or other vehicle to wash or clean the mud or dirt or filth of any character off their said vehicles on any street where the street is paved, and anyone violating the provisions hereof shall be fined not exceeding ten dollars.

Article 807. **Penalty.**—Any person, firm or corporation, driver, agent, drummer, owner, lessee, proprietor, motorman, conductor, chaffeur, or others, who shall violate any of the foregoing articles of this chapter, when not otherwise provided, shall on conviction be punished by a fine of not less than five nor more than one hundred dollars, for each and every offense.

Article 808. **Penalty.**—If any person shall fail to conform to the requirements of the preceding articles or shall violate the provisions thereof he shall be fined not less than five nor more than one hundred dollars

CHAPTER XXXIX.

TRAFFIC REGULATIONS, RULES OF THE ROAD, REGULATIONS OF AUTOMOBILES AND OTHER VEHICLES.

Article 809. **Shall Keep to the Right.**—All vehicles shall keep to the right of the center line of the street and as near the right hand curb as practicable.

All vehicles shall keep close to the curb on the right, provided that a vehicle overtaking another shall go to the left of the overtaken vehicle in passing but it shall not turn out to the left unless there is a clear way of at least one hundred feet ahead on the left, free.

Article 810. **Turning to the Right..**—All vehicles turning to the right into another street shall turn the corner as near as practicable to the curb.

Article 811. **Turning to the Left.**—All vehicles turning to the left into another street shall pass to the right of, and beyond the center of the street intersection before turning.

Article 812. **Crossing from One Side to Other.**—All vehicles crossing from one side of the street to the other, shall do so by turning to the left so as to head in the same direction as the traffic on that side of the street.

Article 813. **Must Stop How.**—No vehicle shall stop with its left side to the curb, and all vehicles when stopped shall stand parellel to the curb.

Article 814. **Shall not Stand Backed to Curb.**—No vehicle shall stand backed up to the curb except when actually loading or unloading, and when a horse drawn vehicle is backed up to the curb, the horse or horses shall be turned so as to stand parallel with the curb and headed in the general direction of travel for the side of the street on which the vehicle is standing.

Article 815. **Shall not Stop Except at Curb, Except.**—Unless in an emergency, or to allow another vehicle or a pedestrian to cross its path, no vehicle shall stop or stand in any public street or highway in the City of Beaumont, except close to the curb line, and not over twelve (12) inches therefrom.

Article 816. **Shall not Stop so as to Obstruct Crossing.**—No vehicle shall stop for the purpose of taking up or setting down a passenger or unloading or loading, or for any other purpose, except in case of emergency, in such a way as to obstruct any street crossing.

Article 817. **Shall not Stop at Intersection.**—No vehicle shall stop and stand within the intersection of any two streets.

Article 818. **Street Cars to Stop at Far Side.**—Street cars shall stop on the far side of the street at the crossing to discharge or receive pasesngers.

Article 819. **Automobiles, etc. Approaching Standing Car, to Slow Down.**—When an automobile, other motor vehicle or any other character of vehicle whatsoever approaches a street car which has stopped for the purpose of permitting passengers to alight therefrom or to get upon said street car, the said automobile, motor vehicle, or other vehicle, shall immediately slow down and pass said street car slowly and in a very cautious manner; and in turning any corner where cars are stationary for the purpose of receiving or discharging passengers, no such automobile, motor vehicle or other vehicle shall travel at any speed that may endanger persons alighting from or desirous of entering said street cars, which shall be considered reckless driving, and a violation of this ordinance.

Article 820. **Vehicles Going North or South Have Right of Way.**—On all public streets and highways of the City of Beaumont, all vehicles going in a northerly or southerly direction shall have the right of way over those going in an easterly or westerly direction. Provided that officers and members of the Fire Department with their fire apparatus, when going to, or on duty at or returning from a fire, and all officers or men and vehicles of the Police Department and all ambulances when answering emergency calls, shall have the right of way in any street and through any procession. Street cars shall have the right of way on their tracks between street intersections, and persons driving vehicles on the street car tracks shall immediately turn out on a signal given by the motorman.

Article 821. **Speed Limits.**—It shall be unlawful for any vehicle operated on the streets or ways of the City

of Beaumont, to go at a speed greater than that indicated as follows:

Beginning at a point where the north line of Mulberry Street meets the river;

Thence west with the north boundary line of said street to the east line of Main Street;

Thence with the east line of Main Street to the intersection of said line with the north line of Calder Avenue;

Thence west on the north line of Calder Avenue to the intersection of the west line of Magnolia Avenue;

Thence southward on the west line of Magnolia Avenue and across the railroad yards of the T. & N. O. Railway Company to the south line of Bonham Street;

Thence westward on the north line of Bonham Street to the west line of Railroad Avenue;

Thence southward on the west line of Railroad Avenue to the south line of College Street;

Thence eastward with the south line of College Street to the west line of Orleans Street;

Thence southward with the west line of Orleans Street to the river;

Thence up the river to the place of beginning:

Also in any cemetery or place of burial in said city, and also within any public park within said city;

The speed limit shall not exceed eight (8) miles per hour.

In other portions of said city the speed limit shall not exceed fifteen miles per hour; provided, that in turning any corner at any place within the city limits, the speed shall not exceed one-half of the legal speed upon said street; provided, further, that no person in charge of any vehicle upon any public street or way, within the City of Beaumont, shall drive at any speed greater

than is reasonable and proper and with due regard for the traffic and use of the public streets or so as to endanger the life, limb, or property of persons thereon. Provided, that nothing in this article shall apply to the Fire Department and Police Department of the City of Beaumont, nor to drivers of ambulances when answering emergency calls.

Article 822. **Automobiles to Have Lights.**—Every automobile shall between one hour after sunset and one hour before sunrise carry two lights, one on each side of at least four (4) candle power, to be set in front of a reflector, and one light on the rear left corner of vehicle, which latter light shall throw a white light on the number of such vehicle and a red light to the rear.

Article 823. **Bicycles and Motorcycles to Carry Lights.**—Every bicycle or motorcycle shall carry a white light in front of at least two candle power and one light in the rear of such bicycle or motorcycle of not less than two candle power, which light shall throw a white light on the number of such vehicle and a red light to the rear. and every other vehicle shall carry one or more lights in front or on sides so as to be plainly visible at not less than fifty feet. Provided that the above provisions shall not apply when said vehicles are left standing on any street which is lighted sufficiently so that said vehicles could be easily seen at a distance of three hundred feet.

Article 824. **Vehicles Shall Not go on Sidewalks.**—It shall be unlawful for any person to drive or propel any vehicle upon any sidewalk or to allow any vehicle driven or propelled by him or her to stand upon any sidewalk.

Article 825. **Horses Shall Not be Hitched to Fireplugs, etc.**—It shall be unlawful for any person in charge of any horse or other domestic animal to tie or hitch such horse or other animal to any fire plug, United States mail box post or awning post.

Article 826. **Shall not Stand Longer Than 30 Minutes on Pearl Street.**—It shall be unlawful for any per-

son in charge of any vehicle or domestic animal to allow said vehicle or animal to remain standing for a longer period than thirty minutes on Pearl Street, between Calder and College Streets in the City of Beaumont.

Article 827. **Shall Give Signal Before Slowing or Stopping.**—Every driver of a vehicle shall, before slowing up or stopping, give a signal to those behind by the voice or by the raising of the hand.

Article 828. **Warning to be Given Before Backing.**—Before backing a vehicle to unload or load ample warning shall be given by the voice or by the raising of the hand so as to prevent injury to those behind.

Article 829. **Shall Not Pass Through or Interfere with Procession.**—No vehicle shall be driven through a procession, nor shall any vehicle remain on any street in such manner as to interfere with the passage of such procession.

Article 830. **Shall not Stop or Obstruct Crossings.**—No vehicle shall stop or remain standing on any street at any street crossing in such manner as to obstruct free passage over such crossing.

Article 831. **Shall Not operate Automobile Without Registration and Permit.—Fees for Permits.**—No person shall operate or propel any automobile or other motor vehicle in the streets or public grounds of the City of Beaumont, unless he shall first register under oath with the City Tax Assessor and Collector, in a suitable record kept for that purpose, his or her name, age, address and occupation, who shall thereupon issue to said applicant a non-transferrable permit or license, which shall be good until November 31st, thereafter. The City Tax Assessor and Collector shall collect from the applicant the sum of one dollar for performing said services, said money to be paid into the general fund of the city; provided that the conviction of any person holding such license or permit, for the third time within twelve months, of a violation of any provision of this ordinance shall work an immediate cancellation of such license or permit,

and such person shall not be allowed to obtain or be entitled to another license or permit for a period of six months thereafter.

The license or permit above provided for shall be carried by the person to whom same is issued whenever he shall drive or operate any vehicle as provided in this article, provided that the Tax Assessor and Collector shall have a badge to be worded as follows:

License No. .....
Beaumont, Texas.

the said number to correspond with the license or permit number taken out, and any person securing a license or permit may also secure a badge and wear same in place of carrying the license or permit as above provided. The Tax Assessor and Collector shall collect for said badge the sum of twenty-five cents.

Article 832. **County Numbers and Registration to be Exhibited.**—The owner of any automobile shall before operating same or permitting same to be operated, exhibit to the City Tax Assessor and Collector his certificate of registration from the County Clerk of Jefferson County and register with the City Tax Assessor and Collector, his name, residence and a description of the vehicle so owned and the City Tax Assessor and Collector shall enter his name, residence and description and number of his certificate of registration, in a record kept for that purpose. The said owner shall provide himself with a number corresponding to the reigstration number taken out by him from the County Clerk, which shall be composed of figures not less than six inches in height and of white or light color, and such shall be placed or caused to be placed by the owner of said vehicle on the rear of his vehicle and to be rigidly fastened to the body in such manner that when the rear light of such vehicle is lit, the said number shall be plainly discernible at a distance of not less than fifty feet. The said figures shall at all times be kept clean so that same shall be easily recognizable and shall not at any time be concealed or covered

up but shall be kept in plain sight. The City Tax Assessor and Collector shall collect from the owner of the vehicle the sum of one dollar.

Article 833. **Registration of Other Motor Vehicles Than Automobiles.**—The owner of any motor vehicle other than automobiles shall, before operating same or permitting same to be operated, exhibit to the City Tax Assessor and Collector his certificate of registration from the county clerk of Jefferson County, and register with the Tax Assessor and Collector his name and residence together with a description of the vehicle so owned, and the City Tax Assessor and Collector shall enter such name and residence together with a description of the vehicle so owned, and the City Tax Assessor and Collector shall enter such name, residence, description and number of registration in such book to be kept for that purpose. The owner of such vehicle shall place or cause to be placed on the rear of his vehicle and rigidly fastened thereto in such manner as to be discernible at a distance of not less than thirty feet, a number as per his registration, the figures of which shall not be less than three inches in height and of white or light color and shall at all times keep said number clean so that the same may be easily recognized and shall not at any time keep said number concealed or covered up but shall always be kept in plain sight. The City Tax Assessor and Collector shall collect from the owner of said vehicle for carrying out the provisions of this paragraph, the sum of one dollar.

Article 834. **Registration of Sale of Licensed Vehicles.**—The sale or transfer of a licensed automobile or a licensed vehicle shall be recorded by the parties making such sale or transfer in the office of the City Tax Assessor and Collector, in a record kept for that purpose, within forty-eight hours after such sale or transfer takes place or has been consummated, and shall pay a fee of twenty-five cents therefor to the City Tax Assessor and Collector, for the use of the city, and a failure to do which shall render all such parties guilty of a violation of this ordinance.

Article 835. **Vehicles to Stop for Freightened Animals.**—Any person, driving or operating an automobile, motorcycle, or other vehicle, shall, at the request or in response to a signal by any person riding or driving a horse or horses or other domestic animals, which show signs of fright, cause such vehicle or machine to come to a standstill as quickly as possible, and to remain stationary long enough to allow such animal or animals to pass.

Article 836. **Noisy Vehicles Prohibited.**—No person shall run or drive any motor car or other motor vehicle upon or over the public streets of this city, which has an unusually loud exhaust, or otherwise makes an unusually loud, uncommon or unnecessary noise.

Article 837. **Visitors Exempted From Provisions, When.**—No person shall operate or cause to be operated an automobile or other motor vehicle upon any of the streets, alleys or public grounds of the City of Beaumont, without complying with the provisions of this chapter; provided, that such provisions contained in the preceding third, fourth, fifth and sixth articles shall not apply to non-resident visitors for a period of five consecutive days.

Article 838. **Unlawful to Enter or Meddle with Automobiles.**—No person who is not the owner or the one who is in charge, except with the permission of such owner or person in charge, shall enter or meddle with or in any way handle any automobile, motor vehicle or other vehicle left on the streets or alleys of the City of Beaumont. No person shall catch or hang on any vehicle except with the permission of the owner or person in charge of such vehicle.

Article 839. **Persons Under 16 Years of Age Cannot Operate.**—No person shall drive or conduct any vehicle when required by this chapter to be licensed or numbered, when such person is under sixteen years of age.

Article 840. **Shall Obey Orders of Police Officers.**—It shall be the duty of every person driving, using or

having the control of any vehicle or animal upon the public streets of this city, to obey the order of any police officer regarding the speed of any such vehicle or animal upon any of the public streets of this city.

Article 841. **Policemen May Stop or Conduct Movement of Vehicles.**—Any police officer may conduct the movement or order the stoppage of any vehicle or animal in the streets and alleys of this city, to the end that pedestrians may cross same in safety. Slow moving vehicles shall keep as close to the curb line as possible so as to allow faster moving vehicles free passage on the left.

Article 842. **Shall Not Approach Within Ten Feet of Vehicle, When.**—No person having charge of a vehicle shall allow the same to come within ten feet of any vehicle in front of him, when approaching or passing a crossing where a pedestrian is about to pass.

Article 843. **Shall Sound Signal When Turning or Approaching Crossing.**—Drivers of automobiles and motor vehicles shall in approaching a crossing or in rounding a corner or a curve of a public street sound a signal in such a way as to give warning to other vehicles and to pedestrians of their approach.

Article 844. **Vehicles Must Stop for Pedestrians on Crossings and on Signal from Policemen.**—Vehicles must stop so as not to interfere with or to prevent the passage of pedestrians over crossings and at all times the drivers of vehicles must stop the same on a signal from a police officer.

Article 845. **Right of Way of Certain Vehicles.**—The Police, Fire Department, Emergency Repair Wagon, United States Mail Wagon and Ambulances have the right of way in any street and through any procession.

Article 846. **Shall Stop Only at Curb. Except.**—Unless in an emergency or to allow a vehicle or pedestrian to pass, no vehicle shall stop in any public street except close to the curb, as provided hereinabove.

Article 847. **Shall Not Stop Abreast.**—A person hav-

ing charge of a vehicle shall not stop the same abreast of another vehicle lengthwise of the street in any public street, except in case of accident.

Article 848. **Shall Not Refuse to Stop, etc., When Ordered by Police Officer.**—No person having charge of a vehicle in a public street shall refuse or neglect to stop same or place same as directed by a police officer, any of these rules or ordinances to the contrary notwithstanding.

Article 849. **Horses and Vehicles Shall Not Go or Stand on Sidewalks.**—No horse or vehicle shall be backed, led or stand on any sidewalk.

Article 850. **Vehicles Shall Not be Operated to Delay Traffic or Cause Accident.**—No person shall conduct or drive any vehicle in such a condition, or so constructed or loaded as to be likely to cause delay in traffic or injury or accident to man, beast or property.

Article 851. **Vehicles With Sides Exceeding Ten Feet Prohibited, Except.**—No person shall drive or convey through any public street any vehicle, the sides of which with its load, exceed ten feet, except in accordance with a permit from the City Council.

Article 852.—**Vehicles of Certain Length Prohibited.**—No person shall in any public street use a dray or delivery wagon, the length whereof, from the end of the shaft to the extreme end of such vehicle, shall be greater than twenty-four (24) feet and six (6) inches, or a motor vehicle of greater length than twenty-six (26) feet, except in accordance with a permit from the City Council.

Article 853. **Load Sahll Not Exceed Six Tons, Unless.**—No person shall carry or cause to be carried on any vehicle, in any public street, a load, the weight of which exceeds six (6) tons, unless such load consists of an article which cannot be divided, except upon a permit from the City Council.

Article 854. **Drivers Shall Hold Reins in Hands,**

Etc.—No person when driving a vehicle with a horse or horses hitched thereto shall cease from holding the reins in his hands to guide and restrain same nor when not riding, cease from walking at the head of the shaft or wheel horse, either holding or keeping within reach of the bridle or halter thereof.

Article 855. **Loads of Metal, Etc.—Shall Have Sound Deadened.**—No person shall load a vehicle with iron or other material that may strike together without properly deadening the sound so that it will not cause any unnecessary noise.

Article 856. **Pedestrians Shall Not Stand so As to Bother Traffic.**—It shall be unlawful for any pedestrian to cross upon any street in such manner as to interfere with the traffic of the street.

Article 857. **Shall Not Frighten Horses, etc.**—No person shall engage in any conduct upon any avenue or street or highway which shall be likely to frighten horses, injure passengers, or impair a passage of vehicles thereon.

Article 858. **Penalty.**—Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof in the Corporation Court, shall be fined in any sum not less than five dollars nor more than two hundred dollars.

Article 859. **Does Not Repeal Other Ordinances, Except.**—Nothing in this chapter contained shall be construed as repealing any ordinance except so far and so far only as they shall conflict with the provisions hereof.

Article 860. **Shall Not Leave Vehicle in Front of Person's Property Longer than Thirty Minutes Without Consent.**—No person shall leave a vehicle hitched or standing in front of any person's residence, place of business or property, for more than thirty minutes, without the consent of the owner or occupant of such property.

Article 861. **Intoxicated Persons Not to Operate Motor Vehicles.**—No person shall in a state of intoxication,

drive or operate an automobile or motor vehicle upon the streets of the City of Beaumont.

CHAPTER XL.

ANIMALS AND BIRDS.

Article 862. **Stock Limits.**—The running at large of horses, mules, jacks, jennets, cattle, sheep, hogs or geese within the limits of the City of Beaumont, Jefferson County, Texas, as is included within the following boundaries, is hereby declared a nuisance, viz:

Beginning on the right bank of the water's edge of the Neches River where the center line of Carroll Avenue in the Neches River Park Addition to the City of Beaumont strikes said river. Thence with the center line of Carroll Avenue to its terminus and continuing south to the south boundary line of the David Brown League. Thence west with the south boundary line of the David Brown League to the center of La Fayette Avenue on the West Cartwright Addition. Thence north on the center line of said La Fayette Avenue to its terminus and continuing in the same course to the intersection with the south boundary line of the right of way of the old Beaumont, Sour Lake and Western Railway Company, now the Frisco Railway. Thence with the said boundary line to a point opposite to center line of Seventh Street extended south. Thence north to the intersection of the center line of Seventh Street in the Oaks and Parkdale Additions to the City of Beaumont. Thence continuing with the center line of Seventh Street to the intersection of the center line of Laurel Avenue. Thence west with the center line of Laurel Avenue to its intersection with the center line of Eighth Street, in the Averill Addition to the City of Beaumont. Thence in a northerly direction with the center line of Eighth Street, to the intersection with the center line of Evalon Street. Thence east with the center line of Evalon Street to the center line of Sixth Street. Thence northward, at right angles to Evalon Street, to a point on the west edge of the Santa Fe Railway right of way. Thence in a north-

westerly direction along the west line of the Santa Fe Railway right of way to a point opposite the center line of Caldwell Avenue extended west. Thence east on the center line of Caldwell Avenue to an intersection with the center line of Drake Street. Thence northward with the center line of Drake Street to an intersection of the center line of Plum Street. Thence eastward with the center line of Plum Street to the intersection with the center line of Gulf Street. Thence in a northerly direction with center line of Gulf Street to a point opposite the center line of Wiess Street extended southwest. Thence in a northeasterly direction to an intersection with the center line of Wiess Street. Thence eastward with the center line of Wiess Street to the intersection with the center line of Collier's Ferry Road. Thence in a southwesterly direction to its intersection with the center line of Cottonwood Avenue. Thence eastward with the old city line at Brake's Bayou. Thence down Brake's Bayou with its meanderings to the Neches River. Thence down the Neches River with its meanderings to the place of beginning.

Article 863. **Unlawful to Allow Animals to Run at Large Within the City Limits.**—That it shall not be lawful for the owner or keeper of any horses, mules, jacks, jennets, cattle, sheep, goats, hogs, or geese to permit the same to run at large within the corporate limits of the City of Beaumont as are included within the boundaries mentioned in the preceding article.

Article 864. **Public Pound.—Chief of Police Shall Establish.**—It shall be the duty of the Chief of Police to establish a public pound in the city, at such places as may be designated by the City Council, where all animals of the above description are found running at large in violation of the above two preceding articles shall be received and taken care of. It shall be the duty of the Chief of Police to cause all horses, mules, jacks, jennets, cattle, sheep, goats, hogs and geese found running at large contrary to the provisions of the two preceding articles to be gathered and impounded in the public pound, and the Chief of Police shall sell the same at public auction

for cash, first giving five days public notice of the time, terms and place of sale, in some daily newspaper published in the City of Beaumont and by notice placed at the Court House door of Jefferson County, describing the animal impounded, and that a fee of one dollar shall be charged for each animal impounded, and all fees collected shall be remitted to the City Treasurer.

Article 865. **Method of Redeeming Impounded Animals.**—The owner of any animal or animals impounded as provided for in the preceding article, may redeem the same as follows:

1. **Before Sold.**—By paying one dollar for each day same is taken up and kept, together with the cost of advertising, if any, and one dollar impounding fee.

2. **After Sold.**—By paying the purchaser double the amount bid for him for such animal or animals, and his reasonable expenses for keeping the same; provided, the owner redeems said animal, as herein provided, within thirty days after the date of sale, otherwise animal to become the absolute property of the purchaser.

Article 866. **If Not Sold, Shall be Killed.**—If at the time of the sale no purchaser can be found for any of the animals impounded under the provisions of the preceding articles, the Chief of Police shall kill all such animals, or cause them to be killed, and shall deposit the carcasses in such place as may be designated for such matter.

Article 867. **Exemptions.**—This chapter shall not be so considered as to prevent any person or persons from bringing or driving any of the animals hereinbefore mentioned into the city for sale, the same being under the immediate charge of themselves or their agents, nor shall it be so construed as to interfere with parties in transit through the city with any of said animals. Milch cows in charge of any person going or coming from pasture shall also be exempt from the operations of this chapter.

Article 868. **Unlawful to Display Live Stock on Streets for Sale.**—It shall be unlawful for any person or

persons to use any street or streets of the City of Beaumont as a place on which to display horses or other live stock for sale, or to sell the same on said street or streets in any manner that will create annoyance, or which will create inconvenience or nuisance to the public in the free and uninterrupted use of said street or streets.

Article 869. **Penalty.**—Any person who shall be guilty of violating the above article shall, upon conviction before the Recorder of the City of Beaumont, be fined in any sum not less than twenty-five nor more than one hundred dollars, and each violation shall be deemed a separate offense.

Article 870. **Unlawful for Stabled Animals to Make Disturbance.—Penalty.**—That any person who shall stable to keep a horse or horses, mule or mules, or any other animal in the city limits, in such manner that said animal, by stamping or kicking, creates such a noise as shall be a disturbance to those living in the vicinity. shall be deemed guilty of a misdemeanor, and upon conviction before the Corporation Court, shall be fined in any sum not less than one dollar nor more than one hundred dollars.

Article 871. **Overloading, Abusing or High Checking Animals.**—Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of a necessary sustenance, cruelly beats, mutilates or kills any animal, or checks the same extremely high, or causes or procures any animal to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, or checked extremely high, and whoever having charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter and protection from the weather, shall be punished upon conviction, by a fine not less than five dollars and not more than one hundred dollars.

Article 872. **Owner Liable.**—Every owner, possessor, or person having charge of any animal, who cruelly drives

or works it when unfit for labor, or cruelly abandons it, or drives it or causes it to be driven in or to a vehicle or otherwise, in an unnecessarily cruel or inhumane manner, or knowingly and wilfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind, shall be punished in the manner provided in the preceding article.

Article 873. **Police Officer or Citizen Authorized to Uncheck Animals.**—That any police officer or citizen of the City of Beaumont shall have the right to uncheck animals left checked upon the streets of Beaumont.

Article 874. **Bringing Diseased Animals into the City.**—Any person who knowingly brings into the city any horse or mule having glanders, nasal gleet, farcy, or other infectious or contagious disease, whereby the health or lives of other horses or mules shall be endangered, or who allows the same to run at large within the city may be fined not less than one nor more than one hundred dollars.

Article 875. **Selling Diseased Animals at Auction.**—Any person who knowingly sells, at auction as an auctioneer or who causes, allows or procures to be sold by an auctioneer, any glandered or diseased horse or mule, whereby the health or lives of any other horse or mule shall be endangered, must be fined not less than one nor more than one hundred dollars.

Article 876. **Wounded Animals to be Killed**—That when from any cause it may happen that any horse, mule, cow, calf, steer, goat, sheep, dog or other domestic animal within the corporate limits of the City of Beaumont, shall be wounded, mained or injured, so as to render its recovery hopeless, then in that event it shall become the duty of the Chief of Police to kill or destroy, or cause to be killed or destroyed, such animal so injured, and as soon after such injury as practicable, and in such manner as in his judgment shall be the least painful, and to cause the carcass thereof to be removed to such place as may be set apart for such matter.

Article 877. **Chief of Police to Report Animals Killed.**—When it occurs that the Chief of Police shall kill or cause to be killed any animal named in the preceding article, by authority of said article, it shall become his duty to at once file with the City Secretary a report in writing of such killing, and said report shall show:

First: A description of the animal killed, and the name of the owner thereof, if known.

Second: The injury which made the killing necessary, and how same was inflicted, and by whom, if known.

Third: The names of at least two reliable witnesses, who are conversant with the facts of the injury and the killing.

Article 878. **Using Animals or Vehicles Without Consent of Owner, etc.**—Any person who takes or uses temporarily any animal or any vehicle for the transportation of things or persons owned or controlled by another, without the consent or assent of such owner or person having the control thereof, or any servant or other person while in charge of such animals, who rides, drives or makes any improper use of the same contrary to the will or wishes of the owner or person having the custody or control thereof, shall be fined not less than one nor more than one hnudred dollars.

Article 879. **Driving Animals Over Bridges Faster than a Walk.**—Any person who drives, or causes to be driven, any drove of cattle, horses or mules or any horse, mule or animal of like kind, over any of the public bridges in the city at a gait faster than a walk, shall be fined not less than one nor more than one hundred dollars.

Article 880. **Dogs not to Run at Large Without a License.**—It shall be unlawful for any owner of any animal of the dog kind to permit such dog to run at large within the City of Beaumont without first having procured a license from the Chief of Police.

Article 881. **License Tag and Fee.**—It shall be the duty of the Chief of Police to furnish the owner of every

dog with a plate upon which shall be a number corresponding with the registration of the dog, and the Chief of Police shall charge therefor a license fee of two dollars for every dog and four dollars for every bitch per year.

Article 882. **Dogs Shall be Taken up.—Exception.**—It shall be the duty of the Chief of Police and the policemen to take up all dogs found running at large in the city between the first day of June and the first day of October, except such as have the license plate issued by the Chief of Police, as provided for above.

Article 883. **Dogs Shall be Sold or Killed, When.**—The dogs taken up as provided in the preceding article, shall be advertised for sale by said officer, by publishing notice thereof in a newspaper published in this city, said sale to be made not earlier than 48 hours after so taking up such dog, such notice to give the time and place of such sale; provided should such officer be unable to dispose of such dog by such sale, he shall kill such dog.

Article 884. **Disposition of Moneys Collected for Dogs.**—All moneys collected from licenses for or sales of dogs shall be paid to the City Treasurer as may be provided by the City Council.

Article 885. **Vicious Dogs Not to Run at Large.**—It shall not be lawful for the owner or custodian of any vicious dog to permit the same to run at large in the city.

Article 886. **Bitches in Heat Not to Run at Large.**—It shall be unlawful for the owner or custodian of any bitch, when in heat, to permit the same to run at large.

Article 887. **Penalty.**—Any person who shall violate either of the preceding articles of this chapter, relative to dogs, must be fined not less than ten nor more than fifty dollars.

Article 888. **Proceeds of Sale of Stock.**—Any money received into the City Treasury from the net proceeds of the sale of impounded stock shall be paid to the owner thereof. Provided the same be called for within two

thereof provided same be called for within two years from date of sale, if not so called for at the expiration of said two years shall revert to the city.

Article 889. **Pigeons.**—It shall be unlawful for any person to keep or maintain any pigeon house, or place to keep pigeons or to keep or maintain pigeons for breeding or other purposes, within the city, except they be kept confined in a house or coop, and any person violating this article shall be fined not less than ten nor more than fifty dollars.

Article 890. **Unlawful to Sell Native Birds, Exception.**—It shall be unlawful for any person to barter, hawk or peddle or offer for sale on the streets of the city or elsewhere therein any wild fowls and birds for food.

Article 891. **Unlawful to Catch Wild Birds.**—It shall be unlawful for any person to ensnare or catch by any means whatsoever any wild birds, old or young, within the limits of the city.

Article 892. **Penalty.**—Any person violating either of the next two pereceding articles shall be fined not less than five nor more than twenty-five dollars.

Article 893. **Removal of Dead Animals.**—That it shall hereafter be unlawful for the owner or person in control of an animal at the time of its death to allow the carcass of such animal to remain in or upon the street, alley, or other public or private place for a longer time than six (6) hours after its death, and any driver or other person using or controlling such animal shall for the purposes of carrying out the intentions of this article, be considered the owner thereof.

It shall hereafter be the duty of any railroad company, or street railway company or any person, firm or corporation, their agents or employees who may. kill, main or wound any animal with in the city limits to remove the same within six hours after such killing, maining or wounding, whether such animal was under the supervision and control of such person, firm or corporation, their agents or employees at the time or not, un-

less the owner thereof shall within due time take charge of such animal and remove the same.

Article 894. **Penalty.**—Any person, firm or corporation, their agents or employees, who shall hereafter violate any provision of the above article shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine in the Corporation Court of the City of Beaumont not to exceed one hundred ($100.00) dollars and each and every day that said article is violated shall constitute a separate and distinct offense.

CHAPTER XLI.
EXPLOSIVES, STORAGE OF COTTON, ETC.

Article 895. **Gun Powder May be Kept.**—It shall be unlawful for any person to keep in any store, dwelling, building or other place within the City of Beaumont gun powder, blasting powder, dynamite or other explosives, exceeding in quantity, twenty-five pounds.

Article 896. **Must be Kept in Tin or Metal Canisters.** —When gun powder, blasting powder, dynamite or other explosives, are kept by retailers or vendors, the same shall be kept in tin or metal canisters with good and closely fitting covers thereon.

Article 897. **Persons Hauling Powder or Other Explosives.**—That vehicles employed to carry powder or other explosives about the city for storage, sale or distribution, shall not carry more than two hundred pounds at one time, and said vehicles shall be so arranged as to effectively cover up and protect the kegs and packages from accidental fire.

Article 898. **Must Not Keep More Than Certain Amount of Oil.**—That no person, firm or corporation shall keep on hand for sale or otherwise, within the limits of the City of Beaumont in any one house or store, shop or building of any character, whatever, or on the premises connected therewith more than fifteen gallons in all of gasoline oil, or more than one hundred gallons in all of kerosene or other oil or compound which is explosive,

or more than fifty gallons in all of turpentine, oil of vitrol, aqua fortis or other liquid of a combustible nature, unless in a fire proof magazine, the erection of which is permitted and recognized by the City of Beaumont.

Article 899. **Shall Not Sell, Expose for Sale, Oil at Night.**—That no person, firm or corporation shall sell or expose for sale any illuminating oil or gasoline in the night time by artificial light, such as candle or gas.

Article 900. **Penalty.**—Any person violating any of the provisions of the next preceding five articles of this chapter shall be fined in any sum not less than ten dollars and not exceeding one hundred dollars.

Article 901. **No Storage of Explosives.—Except.**—There shall not be stored in any place within the city without consent of Council, gun powder, giant powder, or dynamite, or kerosine oil, gasoline or other oils in greater quantity than may be determined by the Fire Committee and the Chief of the Fire Department, under penalty of a fine not less than fifty dollars nor more than one hundred dollars.

Article 902. **Mode of Conveyance.**—No person shall carry gun powder, giant powder, or dynamite or blasting powder, on any vehicle in any part of the city, unless the same shall be sufficiently well secured to prevent accident therefrom.

Article 903. **Nitro-Glycerine.**—Nitro-glycerine shall not be conveyed through or stored in the City of Beaumont under any circumstances.

Article 904. **Unlawful to Bring into the City Concealed Explosives.**—It shall be unlawful for any person knowingly to bring within the corporate limits of the city any quantity of giant powder, gun powder, or dynamite, or blasting powder, concealed in any manner, or marked in any names, or purporting to be other than gun powder, giant powder or blasting powder.

Article 905. **Penalty.**—Any person who shall violate

any of the three preceding articles of this chapter shall be fined not less than twenty-five nor more than one hundred dollars.

Article 906. **Where Cotton May be Stored.**—Hereafter it shall be unlawful to store or keep any cotton within the corporate limits of said city in any building or places except in ware houses established and recognized by the city authorities as warehouses for the storage of cotton.

Article 907. **Must be Guarded, Smoking Prohibited.**—It shall be the duty of all warehouse men, in storing cotton, or other inflammable material to have their warehouse properly guarded, day and night; to allow no fire to be made therein, and to prohibit all smoking in or about such warehouses at any time.

Article 908. **Unlawful to Erect Buildings Without Consent.**—It shall be unlawful to erect, build or use any store houses or private building within the corporate limits of the city for storage of cotton, unless the consent of the Council has been previously obtained therefor.

Article 909. **Penalty.**—Any person who shall keep or store cotton in violation of this chapter shall be liable to be fined before the Recorder in the sum of five dollars for every bale of cotton thus stored or kept for each and every day it shall remain contrary to the provisions of this chapter, and any person who shall make or keep any fire, or smoke in any warehouse, shall be punished by a fine of ten dolars for each and every such offense.

Article 910. **Duty of Chief of Police.**—It is made the duty of the Chief of Police to have all cotton kept or stored in violation of the provisions of this chapter removed to some warehouse at the expense of the owners or custodians of such cotton.

CHAPTER XLII.
WATER COMPANY.

Article 911. **Charges for Water Supply.**—The water

rate charged by the Beaumont Water Company, its successors and assigns, for water supplied to consumers in this city, for whatever purpose the same may be furnished, shall not exceed fifteen cents per thousand gallons where meters are used, and where meters are not installed and used, flat rates therefor shall be charged, and which flat rates shall not exceed the rates set out in the franchise granted to said Beaumont Water Company in the schedules thereof, as appears from said franchise in Chapter 15, of the franchises granted by this city and set out in the Revised Code.

Article 912. **Prohibiting Water from Hydrants Running on Sidewalks.**—It shall be unlawful for any person, firm or corporation to permit the water from any hydrant situated upon premises owned or controlled by him, them or it, to run upon, or allow to be run upon, and cause to become muddy and wet any sidewalk or street of the City of Beaumont.

Article 913. **Penalty.**—That any person, firm or corporation who shall violate any of the provisions of the foregoing article shall be deemed guilty of an offense, and upon conviction, shall be fined in any sum not exceeding ten dollars.

Article 914. **Injuring Water Company's Property.**—Any person who unlawfully or maliciously injures, defaces or destroys any reservoir, machinery, pipes, hydrants or other fixtures belonging to the Beaumont Water Company, shall be fined not less than one nor more than one hundred dollars.

Article 915. **Water Shall Not be Turned into the Streets.**—All persons who open any water plugs or hydrants are required to attach a hose to said hydrant when open, to run the water into the ditches or gutters, and not to turn water into the streets.

Article 916. **Special Care on Paved Streets, etc.**—On paved streets special care shall be taken in flushing out hydrants or washing out gutters; when flushing out hydrants there shall be one hose attached thereto, and

turned to discharge the water into the gutter, so as to prevent the washing of material out of joints in pavement.

Article 917. **Penalty for Violation.**—Any person or persons violating the provisions of the above and foregoing articles shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Article 918. **Public Hydrants.**—Every hydrant placed by the Beaumont Water Company in the City of Beaumont for the purpose of extinguishing fires, is hereby declared to be a public hydrant, and no person, other than the members of the Fire Department, the Health Department, and those authorized by the Water Company, shall open any of said hydrants, or draw or attempt to draw water from the same, or in any manner to interfere with the said hydrants. Any person offending against the provisions of this article shall be fined not less than twenty-five nor more than one hundred dollars.

Article 919. **Turning on Water Without Permission.**—Any person who shall turn on the water to any premises from which the supply has been turned off by the Water company without first having obtained a permit to do so from the company, shall be fined not less than twenty-five nor more than one hnudred dollars.

Article 920. **Interfering with Water Mains and Service Pipes.**—Any person who shall, in any manner, interfere with any main or service pipes of the said Water company, without first obtaining permission from said water company, shall be fined not less than ten nor more than twenty-five dollars for each and every offense.

Article 921. **Obstructing Access to Hydrants, etc.**—No person shall in any manner obstruct the access to any hydrant connected with any water pipe in any street, alley or common in said city, by means of any lumber, brick, building material or other article, or by any hindrance

whatever, and any person so offending shall be fined ten dollars.

Article 922. **Water Company Required to Render Automatic Sprinkling Service.**—That the Beaumont Water Company is hereby required to render service for automatic sprinkling apparatus installed in any of the buildings in the City of Beaumont, and in any of the buildings hereafter to be constructed, for the greater fire protection.

Article 923. **Water Company Authorized to Contract for such Service.**—That the said Beaumont Water Company is hereby granted the right and authority to contract with any person, firm or corporation, owning any building or buildings, for water service for such automatic sprinkling apparatus; and in such contract shall have the right to eliminate any liability upon its part to such person, firm or corporation for damages of any character arising out of, or incidental to such automatic sprinkling service; provided, that the City Council shall have the right to fix reasonable rules, regulations and rates governing such service.

Article 924. **Automatic Sprinkler Not Connected with Water Main, Unless.**—No automatic sprinkling apparatus shall ever be connected with any water main unless there be placed at or near such connection a standard gate valve with cover; all of which shall be done at the cost of the party installing such service; and no such connection shall be made until after the location of such connection and the standard gate valve shall have been agreed upon by the Fire Chief of the City of Beaumont and the owner of such building or buildings, and ratified in writing by the Fire Committee of the City of Beaumont, and such ratification shall be filed with the City Secretary; provided further, that there shall be a standard gate valve with wheel on the connection into the building, to be placed at the most convenient point, all to be installed at the cost of the owner of said building.

Article 925. **Not to Affect Water Company's Fran-**

chise.—The rendition of any automatic sprinkling service as herein provided for by said Beaumont Water Company to any person, firm or corporation, and the resultant effect of such automatic sprinkling service upon the quantity of water in the public fire hydrants shall never at any time, when the automatic sprinkling apparatus is in operation, be considered a breach of any of the provisions of its franchise, expressed or implied, with the City of Beaumont.

CHAPTER XLIII.

UNDERGROUND PIPES.

Article 926. **Water and Gas Mains.**—All water mains, gas mains or other main or pipes hereafter laid down in the streets of the city, and all extentions of or branches from those, heretofore laid down, shall be laid along the sidewalks of the city at such points as shall be directed by the Mayor and City Engineer, not less than one foot from and within the outer line of the curbing.

Article 927. **Laid Under Direction of Engineer.**—Said mains or pipes shall be laid under the direction of the City Engineer, and subject to such health or other regulations of the city as may have been heretofore, or which may hereafter, adopted, and shall be paid not less than two (2) feet below the surface of such grades as now or may be established by the City Engineer.

Article 928. **Laying of Extensions.**—When it shall be desired to extend any street main now laid down, or to lay any branch main therefrom, such extension branch shall be conducted within the line of one of the sidewalks of the street along which such branch extension is proposed to be laid, and there laid in accordance with the requirements of this chapter.

Article 929. **Crosses and Connections.**—When any additional main, or any branch or extension, is laid down, pipes on each block shall be connected with a pipe connected with and in continuation of said cross or connectnect the same with the opposite side of the street, and

sufficient in size to supply each block, and (in case of water main) the fire hydrants, if any, and said cross or connecting mains, shall be laid to and within the lines of the sidewalk of such opposite block, and all service pipes on each block shal be connected with a pipe connected with and in coninuation of said cross or connecting main, which extension shall be laid along and under the sidewalk.

Article 930. **Connections, etc. to be Laid on Streets to be Paved.**—Upon all streets now paved, or which may hereafter be paved, and along which water or gas mains are now laid, there shall be laid by the water and gas companies, upon written notice from the Mayor and Street and Bridge committee, and before the paving is laid, cross or connecting mains, to be laid from the street mains to within the line of sidewalk at each block and to both sides of the street and all service pipe thereafter shall be laid connected with same, as provided in the next preceding article. Such notice shall be given to the president, vice-president, secretary or general manager or superintendent of said company.

Article 931. **Unlawful to Excavate in Streets.—Exceptions.**—That hereafter it shall be unlawful to make any excavation (except to make necessary repairs on mains) or to lay any gas or water pipe or main or service pipe upon or along any street of the city save within the sidewalks as hereinbefore provided in this chapter; but this shall not apply to service pipes to connect with mains laid upon parts of streets which have been paved prior to April 1st, 1910, nor to parts of streets now paved nor to the crossings of streets in laying down new mains, or extensions or branches from those now laid down.

Article 932. **Application for Laying Pipes, etc.—Approval of Health Officer.**—That it shall be unlawful to lay any water or gas mains, or other pipes or mains, except in the manner provided for in this chapter, and it shall be unlawful to make any excavations for any purpose or to lay any pipe in the streets or sidewalks of the city until application shall first have been made in writ-

ing to the City Engineer, stating where it is proposed to make said excavations and lay said pipe, and the beginning and terminal points thereof, which application shall receive the approval of the Mayor, and if such excavation is to be made within the time prescribed, then said application must first be approved by the Health Officer of the City of Beaumont and said application shall be filed in the office of the City Engineer, and there preserved as an archive of said office.

Article 933. **Penalty.—Removal of Pipes, etc.**—Any officer, receiver, trustee, lessee, agent, or manager of any corporation, or any person who shall wilfully permit or suffer to be done any act or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or who shall wilfully fail to do any act, matter or thing herein required to be done, or shall cause or wilfully suffer or permit any act, matter or thing directed or required by this chapter to be done, not to be so done, or shall aid or abet any such omission or failure or shall be guilty of any violation of this chapter, or shall aid or abet therein, shall be fined in any sum not more than one hundred dollars, and each day of the continuation of such violation shall be deemed a separate offense. All mains and pipes laid in violation of the provisions of this chapter shall be deemed unlawful obstructions of the streets, and shall be summarily removed by the Chief of Police.

CHAPTER XLIV.

PAWNBROKERS, ETC.

Article 934. **Pawnbrokers to Keep Record of Transactions in Books Furnished by City.**—It shall be the duty of the Mayor to purchase a suitable number of books for the use of pawnbrokers and all second hand dealers hereinafter specified, at a cost not to exceed two hundred dollars. It shall be the duty of such persons engaged in the business of pawnbroking, or as a pawnbroker or second hand dealer, or who may hereafter engage in the business of pawnbroker or second hand dealer in the City

of Beaumont, to procure of the City Secretary and keep on hand one of said books, and make or cause to be made therein a record of the subjects prescribed, and keep and have said book at all times open to inspection of the Mayor or Chief of Police, and it shall be his duty to exhibit, to the Mayor or Chief of Police or any officer designated by either of them for that purpose, said book or any other article or articles entered on said book whenever demanded by said Chief of Police or said officer designated by him.

Article 935. **Mayor or Chief of Police May Examine Books of Dealers.**—All second hand dealers shall be required at any and all times to allow the Mayor or Chief of Police, or any officer designated by him for that purpose, the privilege of examining all and whatever articles he may have in his store, to ascertain whether or not said articles are stolen property.

Article 936. **Character of Such Books.—Secretary to Keep Record.**—Such book or books herein provided for shall be well bound and properly ruled and shall be marked "Pawnbrokers and Second Hand Dealer's Book" and shall be furnished to any pawnbroker or second hand dealer of said city free of charge by the City Secretary on his application therefor, and said secretary shall keep a record of all books so furnished.

Article 937. **Records of Articles to be Kept by Dealers.**—Every person engaged in business as Pawnbroker or Second Hand Dealer shall make or cause to be made in such book so furnished a description as full as may be of any and all articles, and the date received by him in the course of said business, and also affix a number to the same, and shall duly make entry of such number and description in said book and also the name and residence in full of any person or persons making a deposit or selling such article or articles; and in no case shall the name be omitted; and entry shall also be made in said book of the amount of loan or purchase paid upon the articles numbered, or to be numbered as aforesaid.

Article 938. **Penalty.**—Should any pawnbroker or second hand dealer or any person engaged in the business as such within the corporate limits of the City of Beaumont, or who may hereafter engage in such business in said city, fail, neglect or refuse to comply with the provisions hereof, or any of them, such person shall be fined in a sum not less than twenty-five nor more than one hundred dollars, and each day that such person shall so fail, neglect or refuse to comply with the provisions hereof, shall be deemed a separate offense in violation of this ordinance, and punishable as such.

Article 939. **Shall Not Take Pledge from Minors.**—It shall be unlawful for any pawnbroker or second hand dealer to purchase or take in pawn or accept as pledge any article of value from a minor.

Article 940. **Exception to Foregoing Article.**—It shall be a defense of the offense prohibited by the preceding article, if when said purchase is made or said pawn or pledge is taken, the person making such purchase or taking such pledge or pawn then and there first has written consent of the parent or guardian of such minor or some person standing in the place or stead of parent or guardian of said minor.

Article 941. **Shall Ascertain from Whom Articles were Obtained.**—It shall be the duty of every person, whether he be acting for himself or as agent or employee of some other firm, person, or corporation who shall buy or otherwise obtain from another person or persons any goods, wares, merchandise or junk, to inquire and obtain from his or their vendor or vendors, the name, sex, nationality, and place of residence of the person or persons from whom the person or persons offering said goods, wares, junks, or other merchandise for sale, obtained the same, together with the name, nationality and residence of the person or persons selling the same.

Article 942. **All Persons to use Books, Whether Dealers or Occasional Purchasers.**—It shall be the duty of every person, firm or corporation who may deal in

junk, either as a business or as a mere occasional purchaser of the same, to provide a well bound book at his place of business, in which shall be entered the information obtained under the requirements under the foregoing section, together with full and complete description of all junk so bought or otherwise obtained for or by said person, firm or corporation, either by lot or separate article, as may be most practical and convenient.

Article 943. **Unlawful to Act Without Such Books.**—It shall be unlawful for any person to act as agent or employee in obtaining junk from any other person, firm or corporation, who does not keep a book as required by the articles of this chapter.

Article 944. **Said Books Subject to Inspection of Officers.**—Said book, required herein, shall be kept subject to the inspection, at all times, of the officers of the City of Beaumont and other officers of Jefferson County, in said State of Texas.

Article 945. **Data to be Entered in Book Immediately.**—It shall be the duty of every person buying or otherwise obtaining such junk, whether acting for himself or as agent or employee of some other person, firm or corporation, to immediately and in person enter or cause to be entered in said book the information and description of said junk elsewhere provided for or required by this chapter.

Article 946. **Price of Article to be Entered in Book.**—It shall be the duty of such person to enter or cause to be entered in said book the price paid for such lot or purchase of said junk.

Article 947. **Shall Safely Keep Articles Separate**—It shall be the duty of the person, firm or corporation for whom any such junk is bought or otherwise obtained to safely keep each lot separate and apart from other articles, so that the same can be fully identified, for fifteen full days after the same is purchased or obtained, and the same shall upon demand of any officer

of the City of Beaumont be shown to him by the person in charge of the same.

Article 948. **Seller to Enter Name of Purchaser in Book.**—The person selling said junk shall also enter in the book herein provided for, the name and residence of the purchaser.

Article 949. **Meaning of Junk.**—The work "Junk," when used in this ordinance, shall, in addition to its general meaning, be held to include and mean garden hose and lawn sprinklers.

Article 950. **Scrap Iron Excluded From.**—Articles consisting wholly of scrap iron are excluded from the requirements of this ordinance.

Article 951. **Return of Books to Secretary upon Retiring or Leaving City.**—In the event that any pawnbroker, second hand or junk dealer or dealers retires from business or leaves the city, it shall be his duty to return to the City Secretary the said record book obtained from said secretary, and his successor in business, if any, shall be required to secure a record book from the secretary, as provided in this chapter.

Article 952. **Penalty.**—Any person, firm or corporation, or the manager of any corporation, who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon coviction in the Corporation Court of the City of Beaumont, be fined in any sum not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars. And each day that any person shall so fail, neglect or refuse to comply with the provisions hereof shall be deemed a separate offense.

CHAPTER XLV.

FIRE ESCAPES—FOR HOTELS, ETC.

Article 953. **Fire Escapes on Hotels, Inns,etc.**—Every building or structure kept, used or maintained or advertised as or held out to the public to be an inn, hotel or public lodging house or place where sleeping accomoda-

tions are furnished to the public, whether with or without meals, shall have and be provided with, at each and every floor above the second floor, or at every floor twenty feet or more above the ground, two or more iron or steel fire escapes to be attached securely on the outside of the walls of such building or structures, and such buildings or structures shall have and be provided with a way of egress to said fire escape, which way of egress shall, at all times, be kept free and clear of obstructions and in good repair and ready and suitable for immediate use.

Article 954. **Requirements of Fire Escapes.**—Said fire escapes shall consist of iron or steel ladders reaching from the roof of the building to within twelve feet of the ground, and rungs of said ladders must be at least six (6) inches from the wall, so that a secure foothold and handhold on same may be had and the ladders must be securely bolted to and through the wall, and must be capable of sustaining a weight of fifteen hundred (1500) pounds avoirdupois, and that each floor above the ground floor, with proper open connections and exit to these ladders, shall be iron or steel balconies or landings with strongly braced iron or steel hand railings, capable of sustaining a weight of fifteen hundred (1500) pounds avoirdupois. Said landings or balconies and the hand railings thereof shall be securely bolted to and through the walls, and in case of wooden buildings, said ladders, landings or balconies and the hand railings shall be securely bolted to and through or clamped with iron or steel clamps to and around the upright or frame proper of the building.

Article 955. **Location of Fire Escapes.**—All fire escapes shall be located as far as possible, consistent with accessibility, from stairways, elevator hatchways and other openings in the floors and shall be located on two or more sides of the buildings and as far apart as is consistent with the construction and location of the building.

Article 956. **Signs Indicating Location of Fire Escapes.**—Placards or signs indicating plainly the way to fire escapes shall be placed and kept continuously in con-

spicuous places in the offices, hallways and in every bedroom of such building.

Article 957. **Two Story Houses Provided with Rope.** —Every building or structure not more than two stories high from the ground, and where the second floor is less than twenty (20) feet above the ground kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accomodations are furnished to the public,whether with or without meals, shall have and be provided with, in every bedroom on the floor above the ground, a manila or hemp rope at least five eights of an inch in thickness, firmly knotted at least every fifteen inches of its length, and long enough to reach within four feet of the ground, and to be securely fastened within the room not less than three feet above the base or sill of the window or opening, and so that with strength of the rope and fastening, be capable of sustaining a weight of not less than five hundred pounds avoirdupois.

Article 958. **Penalty.**—Any person or persons owning, keeping or maintaining, controlling or managing any building or structure kept, used, maintained, or advertised as, or held out to the public to be, an inn, hotel, public lodging house or place where sleeping accomodations are furnished to the public, whether with or without meals, in violation of the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof, shall be fined not less than twenty-five nor more than two hundred dollars, and each and every day any person owning, keeping, maintaining, controlling or managing any building or structure, kept, maintained, or advertised as, or held out to the public to be, an inn, hotel, public lodging house or place where sleeping accomodations are furnished to the public, whether with or without meals, in violation of the provisions of this ordinance shall constitute a separate offense.

Article 959. **Tenant May Install at Cost of Landlord.** —The Tenant or sub-tenant, lessee or sub-lessee of any

building coming within the provisions and requirements of this ordinance may, when the owner, or his agent fails to comply with the provisions of this ordinance, contract for and have constructed and erected said fire escapes, in accordance with the requirements of this ordinance, and may deduct the cost of same from the amount due or the amounts that may become due such landlord or lessor on account of the rent or lease of such building.

CHAPTER XLVI.

WHOLESALE TERRITORY FOR SALE OF INTOXICATING LIQUORS.

Article 960. That wholesale houses for the purpose of dispensing spirituous, vinous or malt or intoxicating liquors may be conducted in the City of Beaumont, within the following territory or portions of the City of Beaumont and none other, to-wit:

Beginning at the west side of Main Street on Cedar Street in the City of Beaumont, Jefferson County, Texas; thence south on the west side of Main Street to the south side of Washington Street;

Thence west on the south side of Washington Street to the west side of Trinity Street;

Thence south on the west side of Trinity Street to Milam Street, the same being the southeast corner of block number seventy-one (71) of the old town of Beaumont;

Thence following the south line of said block to the southwest corner of Block 64 of the old town of Beaumont;

Thence east along the north line of Washington Street to the east side of Orleans Street;

Thence north along the east side of Orleans Street to the north side or Forsythe Street;

Thence along the north side of Forsythe Street to the east side of Park Street;

Thence along the east side of Park street to the north side of Bowie Street;

Thence along the west side of Bowie Street to the west side of Neches Street;

Thence along the west side of Neches Street to Crockett Street;

Thence west on the south side of Crockett Street to Jefferson Street;

Thence north on the west side of Jefferson Street to the north side of Bonham Street;

Thence west along the north side of Bonham Street to the east side of Railroad Avenue;

Thence north on the east side of Railroad Avenue to the T. & N. O. R. R. Company right of way;

Thence east with the south line of the T. & N. O. R. R. Company right of way to a point that will intersect a straight line from Janes Street;

Thence north with said line and Janes Street to the south end of Broadway;

Thence east along the south line of Broadway and Cedar Street to the place of beginning on Main Street;

And also Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block Number 2 of the McFaddin Addition to the City of Beaumont.

Article 961. It shall not be lawful for any person or persons, firm, partnership, corporation or corporations, his, its or their agents or employees, under any style or name whatsoever, to conduct, maintain, or be concerned in conducting or maintaining any wholesale houses for the purpose of dispensing spiritous, vinous, malt or or intoxicating liquors of any kind, in any territory within the corporate limits of the City of Beaumont, except the portion included within the above mentioned boundaries, as set out in the foregoing article.

Article 962. If any person, firm, partnership, corpor-

ation or corporations, his, its, or their agents or employees, under any style or name whatsoever, shall conduct, maintain or be concerned in conducting or maintaining any wholesale house for the purpose of dispensing spirituous, vinous, malt or intoxicating liquors of any kind, whatsoever, within any portion of the corporate limits of the City of Beaumont, other than that described in the first article of this chapter, shall be deemed guilty of a misdemeanor and upon conviction in the Corporation Court of the City of Beaumont, shall be fined in any sum not less than fifty ($50.00) dollars, nor more than two hundred ($200.00) dollars, and each day any person or persons, firm, partnership, corporation or corporations, his, its or their agents or employees shall violate any portions of this ordinance, shall be deemed a separate and distinct offense and shall be punished by sep- and distinct fines of not less than fifty ($50.00) dollars, nor more than two hundred ($200.00) dollars.

Article 963. In prosecutions under this ordinance when it is proven that there is posted up at any place within said City of Beaumont, other than that mentioned and permitted herein any United States Internal Wholesale Revenue License or if any person has obtained such internal revenue license to sell intoxicating liquors such as mentioned in this ordinance at such place, whether the same is posted up or not, the same shall be taken as prima facie evidence that the person, firm, partnership, association of persons or corporation to whom such license is issued is engaged in, conducting and maintaining a wholesale house for dispensing spirituous, vinous, malt or intoxicating liquors, within the meaning of this ordinance at such place.

Article 964. The payment of State and County occupation taxes by any person, firm, partnership, association of persons or corporation of wholesale liquor dealers either of malt or intoxicating liquors, to engage in said wholesale business at any place within the city of Beaumont other than is allowed in this ordinance, shall be prima facie evidence that the person, firm, partnership,

association of persons or corporation in whose name said occupation tax was paid is engaged in and pursuing and conducting a wholesale liquor house at such place in violation of the provisions of this ordinance and the books of the County Tax Collector, or certified copies of the revenue license, from the office of the Internal Revenue Collector or from the comptroller of the State of Texas, are hereby made competent evidence of the issuance of said license or payment of said occupation tax by the parties named in said license or occupation tax receipt.

RETAIL TERRITORY FOR SALE OF INTOXICATING LIQUORS.

Article 965. That saloons, grog shops or other places for retailing spirituous, vinous, malt and intoxicating liquors, may be conducted in the City of Beaumont within the following territory or portions, to-wit:

Beginning on the west line of Main Street at Cedar Street in the City of Beaumont, Jefferson County, Texas, thence south along the west side of Main Street to the northeast corner of Lot 61 in Block 13; thence westerly along the south boundary line of lots 71 and 72 in Block 13 to Pearl Street; thence in a southerly direction along the line of Pearl Street and said Block 13 to the southwest corner of Said Block 13; thence westerly across Pearl Street to the southeast corner of Block 40; thence in a southerly direction across Forsythe Street to the northeast corner of Block 39; thence westerly along the line of Block 39 and Forsythe Street to the northwest corner of lot 192 in Block 39; thence in a southerly direction with the western boundary line of Lot 192, Block 39, to the southwest corner of said lot 192; thence continuing same course across lot 195 in said Block 39 to the northwest corner of lot 185 in said block 39; thence continuing same course with the western line of said lot 185 to its southwest corner on Wall Street; thence easterly with the line of Wall Street and Block 39 to the southeast corner of Block 39; thence in a southerly direction across Wall Street to the northeast corner of Block 39;

thence easterly across Pearl Street to the northwest corner of Block 12; thence in a southerly direction with the line of lot 54 and Pearl Street to the southwest corner of said lot 54; thence in an easterly direction through Block 12 with the boundary lines of lots 54, 55, 56 and 58 to the west line of Main Street; thence in a southerly direction with the west line of Main Street to the north side of Washington Street; thence west along the north side of Washington Street to the east side of Orleans Street; thence north on the east side of Orleans Street to the southwest corner of Lot 189 in Block 39; thence in a southwesterly direction to the southwest corner of Lot 313 in Block 39; thence in a northwesterly direction with the west line of said lot 313, to the north line of Forsythe Street and the southwest corner of Lot 318, Block 50; thence west along the north side of Forsythe Street to the east side of Park Street; thence north along the east side of Park Street to the north side of Bowie Street; thence west along the north side of Bowie Street to Neches Street; thence north along Neches Street to Crockett Street; thence west on Crockett Street to Jefferson Street; thence north on Jefferson Street to the T. & N. O. right of way; thence east with the south line of the T. & N. O. right of way to a point that will intersect a straight line from Janes Street; thence north with said line on Janes Street, to the south side of Broadway; thence east along the south side of Broadway and Cedar Street to the place of beginning on Main Street.

Article 966. It shall be unlawful for any person or persons, firm or partnership, corporation or corporations, his, its or their agents or employees under any style of name whatsoever to conduct, maintain or be concerned in conducting or maintaining, any saloon, grog shop or other place for retailing spirituous, vinous, malt or intoxicating liquors of any kind in any territory within the corporate limits of the City of Beaumont except the portion included within the above boundaries, provided, however, that nothing in this ordinance shall be construed to affect, violate or vitiate any valid liquor or beer license issued by the Federal, State, County or Municipal

authoritites now in force within the limits of the city.

If any person or persons, firm, partnership or corporation or corporations, his, its or their agents or employees under any style of name whatsoever, shall conduct, maintain and be concerned in conducting or maintaining any saloon, grog shop or other place where spirituous, vinous, malt or intoxicating liquors of any kind whatsoever are bartered, sold or dispensed in any manner, or shall engage in and pursue the occupation of selling intoxicating liquors at retail, within any portions of the corporate limits of the city of Beaumont, other than that described herein shall be deemed guilty of a misdemeanor and upon conviction in the corporation court, shall be fined in any sum not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars, and each day any person, or persons, firm, partnership, corporation or corporations, his, its or their agents or employees shall violate any portion of this ordinance shall be deemed a separate and distinct offense and shall be punished by a separate and distinct fine of not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars.

Article 967. In prosecutions under this ordinance, when it is proven that there is posted up at any place, within the said city of Beaumont, other than that mentioned and permitted herein, any United States Internal Revenue License, or if any person has obtained any United States Retail Internal Revenue License to sell or dispense intoxicating liquors such as mentioned in this ordinance at such places whether the same is posted up or not, the same shall be prima facie evidence that the person, firm, association of persons or corporation to whom such license is issued is engaged in conducting and maintaining at such place a saloon or grog shop for retailing intoxicating liquors such as is forbidden by this ordinance. It is hereby further declared that the payment of State and county occupation tax by any person, firm, association of persons, or corporation, of a retail liquor dealer, either of malt or other intoxicating liquor, to

engage in said business at any place within the city of Beaumont, except as permitted by this ordinance, shall be prima facie evidence that the person, firm, partnership, association of persons or corporation, in whose name said occupation tax was paid, is engaged in, concerned in, conducting and maintaining a saloon and grog shop for retailing spirituous, vinous, malt and intoxicating liquors at such place in violation of the provisions of this ordinance and the books of the county tax collector or certified copies therefrom, and certified copies from the State comptroller of the occupation tax receipt or license and from the United States Internal Revenue collector of the license issued by him, are hereby made competent evidence of the issuance of said license or payment of said occupation tax by the parties named in said license or occupation tax receipts.

Article 968. That in all prosecutions for violations of this ordinance whenever it shall be shown that as many as two sales of intoxicating liquors such as are forbidden by this ordinance, have been made at any place within the city of Beaumont, except such as are permitted by this ordinance, then the same shall be taken and held by any court of competent jurisdiction conclusive proof that the said place is maintained and conducted as a saloon, grog shop and place for retailing spirituous, vinous, malt or intoxicating liquors, and that the person, firm, partnership, association of persons, or corporation, his, theirs, or its agents or agent, servants or employees so making said sales, shall be conclusively presumed to be guilty of a violation of the provisions of this ordinance and punished as provided herein, provided, however, that the provisions of this section shall not be construed as avoiding or in any manner detracting from or lessening the force of any other evidence or proof of the violation of this ordinance.

CHAPTER XLVII.
MISCELLANEOUS OFFENSES.

Intoxicating Liquors, Variety Shows, Etc.

Article 969. **Prohibiting Selling Liquors at Variety**

Shows, etc.—It shall be unlawful for any proprietor or manager of any theater, variety show, opera house, theatrical exhibition or dramatic representation of whatsoever character in the City of Beaumont, where female actors, performers or employees are employed or permitted to be in any way connected therewith, or where females are permitted to attend, to sell, expose for sale, offer for sale, permit to be sold, given away or deliver to any person, any spirituous, vinous, or malt liquors or intoxicating liquor of any kind whatever, within the rooms or place where such theater, exhibition or representation may be conducted or in any room or place used in connection with such room or place or in any room, building, private box or apartment of any kind inside the room where such exhibition or representations are given or in any green room, side room or ante room or ante chamber of the same.

Article 970. **Same.**—It shall be unlawful for any employee or person in any way connected with any theater, variety show, opera house, theatrical exhibition or dramatic representation in the city of Beaumont, to sell, barter, give away or deliver to any person any spirituous, vinous or malt liquors or intoxicating liquors of any kind within the room or place where such theater, exhibition or representation may be conducted, or in any room or place connected therewith, as provided in the above article.

Article 971. **Prohibiting Female Actors Selling or Giving Liquors in Audience.**—It shall be unlawful for any proprietor, lessee, or manager of any theater, variety show, opera house, theatrical exhibition or dramatic representation in the city of Beaumont, to permit any female actor, connected with such theater, variety show, opera house exhibition or representation to mingle or associate with any of the audience or spectators of such theater, exhibition or representation within the room or place where such theater, exhibition or representation may be conducted, or in any room or place connected therewith, as provided in the two preceding articles, for

the purpose of selling, offering to sell, give away to or drinking with any of the audience or spectators any spirituous, vinous, malt, liquor, or intoxicating liquors of any kind whatsoever.

Article 972. **Same.**—And it shall be unlawful for any female actor, performer, or employee, employed in any manner connected with any theater, variety show, opera house, theatrical exhibition or dramatic performance in the city of Beaumont, to mingle or associate with any of the audience or spectators at such theater, variety show, opera house, theatrical exhibition or representation within the room or place where such theater exhibition or representation may be conducted, or any room or place used in connection therewith as provided in the foregoing articles for the purpose of selling, offering for sale, giving away or drinking with any of the auidecne or spectators any spirituous, vinous, or malt liquors of any kind whatsoever.

Article 973. **Penalty.**—Any person violating any of the provisions of the preceding four articles shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, and each day of such violation shall be deemed a separate offense and punished accordingly.

HITCHING TO FENCES OR INJURING LAWNS, YARDS, ETC.

Article 974. **Prohibiting Hitching to, Driving Against or Injuring Fences, Lawns, Parks or Yards.**—Any and all persons are hereby forbidden to drive any wagon, hack or other vehicle against any fence enclosing public or private park or lawn or yard, in the city of Beaumont or to hitch any horse or other animal to such fence or to sit upon or injure or deface such fence or wantonly tramp upon the grass, shrubbery, flowers in such park or lawn or yard or injure or pluck such flowers or damage such grass.

Article 975. **Penalty.**—Any person violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than one hundred dollars.

CIRCULATING FALSE REPORTS OF DISEASE.

Article 976. **Prohibiting Circulation of False Reports of Diseases.**—That it shall hereafter be unlawful for any person or persons, or the owner, editor or manager of any weekly or daily newspaper published in this city, to wilfully circulate or cause to be circulated, either by word or sign, or by any printed notice or publication of any false statements as to the existence of yellow fever, small pox, or other contagious or infectious disease within the City of Beaumont.

Article 977. **Penalty.**—Any person or persons violating the provisions of the above article shall be deemed guilty of a misdemeanor and upon conviction thereof in the corporation court of the city of Beaumont, shall be punished by a fine of not less than five dollars nor more than two hundred dollars.

If it shall appear upon the trial of any person accused under the provisions of the foregoing article that such reports were false and that no bona fide effort was made by the defendant to ascertain the truth or falsity of such statement or reports before the same were circulated by him, the same shall be deemed to have been done wilfully or maliciously and subject him to the penalty herein provided for.

LOUNGING ON TRUNKS, ETC., AT DEPOTS.

Article 978. **Prohibiting Lounging on Trunks, etc., at Express or Railroad Depots.**—Any and all persons are hereby forbidden to sit, stand, lounge upon or against any trunk or other article of baggage or any goods, wares or other merchandise in possession of any express company or railroad company, while such baggage or express goods are at any express or railroad office or depot or

station grounds, or sit, stand, lounge upon or against any express or baggage wagon or truck or about such express office or depot or station grounds in the city of Beaumont.

Article 979. **Penalty.**—Upon conviction for the violation of any of the provisions of the preceding article each person so convicted shall be fined not less than one dollar nor more than twenty-five dollars.

THEATERS.

Article 980. **Prohibiting Theaters on Sunday.**—It shall be unlawful for any person or corporation to open and give performances at any theater in the City of Beaumont on or during Sunday; provided, however, that any performance which has commenced not later than 8 o'clock P. M. on Saturday may be continued until the completion thereof; but in no event to continue later than one o'clock A. M. of said night.

Article 981. **Prohibiting Interruption at Theaters.**—That it shall be unlawful for any person or persons in the audience by loud and boisterous talking, or by whistling, singing, yelling, smoking or spitting tobacco juice on the floor or in any other manner, whatsoever to disturb the quiet or comfort of the audience, or any person therein, or to interrupt the performance in any such theater.

Article 982. **Prohibiting Wearing Hats at Theaters.**—That it shall be unlawful for any person of any sex to wear a hat, bonnet or other covering on his or her head at any time during the actual performance on the stage at any such theater; provided, that nothing in this article shall prohibit any female from wearing a small nubia, fascinator, or other small article on her head, such as will not obstruct or interfere with the view of the stage by others seated back of such female.

Article 983. **Penalty.**—Any person violating any of the provisions of the three preceding articles shall be deemed guilty of a misdemeanor and on conviction shall

be fined in a sum not less than five nor more than twenty-five dollars.

DISCHARGING SLOP INTO SEWER.

Article 984. **Discharging Refuse or Vegetable Matter Into Sewer.**—It shall be unlawful for the occupant of any house or boarding house, hotel, or restaurant, or any other person, to connect any slop sink, sink-basin, or other receptacle for the deposit of kitchen slops, or refuse containing any vegetable matter whatever, with, or discharge the same into any sanitary sewer in the City of Beaumont.

Article 985. **Street Commissioner Instructed to Abate.**—That any such connection now made be and the same is hereby declared a nuisance and the Street Commissioner is hereby instructed to have same abated.

Article 986. **Penalty.**—If any person, firm or corporation shall connect any slop-sink, sink-basin or other receptacle for the deposit of kitchen slops or refuse containing any vegetable matter, whatever, with or discharge same into any sanitary sewer in the city of Beaumont, he shall be punished by a fine not to exceed one hundred dollars and each day such connection continues, and each discharge, shall constitute a separate offense.

WATSON BURYING GROUND.

Article 987. **Abandonment of Sam Watson Burying Ground.**—That the old burying ground in South Beaumont, on the seven and one-half (7 1-2) acre tract formerly owned by Sam Watson (colored), deceased, and on 12th street extending through said 7 1-2 acre tract, be and is hereby abandoned as a burying place.

That no person shall hereafter use said land as a depository of human bodies.

Article 988. **Penalty.**—That any violation of the above article shall be deemed a misdemeanor and punishable by a fine of not less than five dollars ($5.00) and not more than twenty-five dollars ($25.00) and each day any body of a deceased person is allowed to remain on said land shall constitute a separate offense.

DISCHARGING FIREWORKS.

Article 989. **Prohibiting Discharge of Fireworks.**—It shall not be lawful for any person within the corporate limits of the city of Beaumont to discharge, fire or set off any pyrotechnic exhibition, rocket, blue light, quib, cracker or other fireworks whatever unless authorized by the Mayor to do so.

Article 990. **Penalty.**—That any person violating any of the provisions of this ordinance shall be fined in any sum not less than one and not more than one hundred dollars.

SLAUGHTER HOUSES, BONE BOILERS, ETC.

Article 991. It shall be unlawful hereafter for any person, corporation or association of persons to establish or maintain any slaughter house, bone boiler or soap-making establishment, in the City of Beaumont, or any brick yards, livery stable, horse lots and stock pens, within a distance of 300 feet of any hotel or private residence in the city of Beaumont, without first obtaining a permit from the city council.

Article 992. **Definitions.—The term "Livery** Stable," horse lot or stock pen as used in the above article shall include any stable or stables, stall or stalls, pen or other enclosure in which there shall be kept more than six head of live stock, to-wit: Horses, mules, cows, or other live stock of any kind, the whole number of said live stock of whatsoever kind or character not to exceed the number hereinabove named, to-wit, six. The term "Slaughter House" shall include any place or enclosure where any animals are slaughtered.

Article 993. **Penalty.**—Any person or persons violating the provisions of the foregoing article shall upon conviction, be fined in any sum not less than twenty-five ($25.00) dollars nor more than one hundred dollars; each day in which said provision or any of them are violated shall constitute a separate offense.

NUMBERING HOUSES.

Article 994. **Owners to Number Residence and Bus-**

iness Houses.—That the owner or owners of residences and places of business in the city of Beaumont are required to number the same, and that said numbers shall be made of such material as may be designated by the Street and Bridge Committee of said city, and according to the plan adopted by the city council of the city of Beaumont, on file in the office of the City Secretary of said city.

Article 995. **Owners Shall Apply for and Attach Number.**—That the owner or owners of residence and places of business erected after the passage of this ordinance shall be required within ten days after the completion of such house to apply to the chairman of the Street and Bridge Committee, or City Secretary, for the proper number designated by the plan referred to in the preceding article, and affix same as required therein.

Article 996. **Chairman of Street and Bridge Committee or City Secretary to Furnish Numbers.**—That the chairman of the Street and Bridge Committee or City Secretary shall, upon application of such owner or owners, or his or their agent, furnish the proper number upon the payment of the sum of twenty-five cents.

Article 997. **Penalty.**—That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, be fined in any sum not exceeding five dollars.

TAMPERING WITH POLES, WIRES, ETC.

Article 998. **Unlawful to Tamper With, or Use Apparatus.**—It shall be unlawful for any person or persons to tamper with, molest or use in any manner, the poles, wires, cross arms, lamps, hoods, switches, cuttoffs, connections, or any part of the lines or apparatus belonging to any person, firm, company or corporation, within the corporate limits of the City of Beaumont, and that no person or persons shall have the right to place upon the poles belonging to such person, firm, company or corporation any hand bills, notices, cards, advertising bills, placards, or any written, printed or painted matter, either by posting, tacking, suspending or any other mode of fast-

ening. Any person violating the provisions of this article shall be punished by a fine in any amount not to exceed one hundred dollars.

Article 999. **Prohibiting the Interference With Private Property.**—It shall be unlawful for any person, firm, company or corporation, or its agent, or agents, in the erection, repair and maintenance of its or their wires, poles or other appliances, to, without consent, interfere with, injure, molest, damage or fasten to, and connect with, the shade trees, buildings and improvements of any property holder or holders within this city.

Article 1000. **Penalty.**—Any person, firm, company or corporation, its or their agents, or employees or representatives, violating any of the provisions of the preceding article, shall, upon conviction be fined in any amount not to exceed one hundred dollars, and each day such violation continues shall constitute a separate offense.

ELECTRICAL WORKERS.

Article 1001. **Electrical Workers, etc., to Give Bond.**—That any person, persons, corporation or corporations now engaged or that may hereafter engage in the business of electrical work, wiring or construction in the city of Beaumont, Texas, be and are hereby required to execute a good and sufficient bond in the sum of one thousand dollars, said bond to be signed by some bonding company authorized to transact business in the State of Texas or by two or more good and solvent persons as surety. Said bond to be payable to the City of Beaumont, Texas, approved by the city council, conditioned that all electrical work, wiring or construction done by such person or corporation, shall be done in accordance with the rules and requirements of the City Electrician and the ordinances of the City of Beaumont, and that if after ten days' notice from the said City Electrician that such electrical work, wiring or construction is not done in accordance with the said rules and requirements, and ordinances, and said person or corporation does not construct said electrical work, wiring or con-

struction to conform to said rules and requirements and ordinances, the said bond shall be forfeited; said bond herein provided for shall be filed with the city secretary of the City of Beaumont.

Article 1002. **Penalty.**—That any person or corporation doing any electrical work, wiring or construction within the limits of the city of Beaumont, Texas, without having executed said bond and filing the same with the city secretary of the city of Beaumont shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

SPITTING IN PUBLIC PLACES.

Article 1003. **Prohibiting Spitting in Public Places, Etc.**—That the spitting or expectorating upon the floors of churches, public halls, theaters, or other public places, or spitting or expectorating upon sidewalks or other public walks in the city of Beaumont, is hereby declared a nuisance and is prohibited; provided that the spitting in or upon the public streets is not intended to be prohibited or included herein by the words "Or other public walks" or the words "other public places."

Article 1004. **Penalty.**—Any person violating the above article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one dollar nor more than ten dollars for each and every violation.

CISTERNS AND STAGNANT WATER.

Article 1005. **Requiring Cisterns, etc., to be Screened** —That each and every owner, lessee, tenant or occupant of any house, lot or premises on which may be located a surface cistern, tank or other receptacle kept for holding or storing water, is hereby required to cover such tank, cistern or other receptacle with a wire or cloth screen or in such manner as will exclude mosquitoes and insects therefrom and shall renew such screening or covering as

often as may be necessary to protect the same against such mosquitoes and insects.

Article 1006. **Draining Stagnant Water.**—Every owner or tenant of any lot, blocks or other premises on which may be any stagnant water, are hereby required to drain the same and to sprinkle lime or oil as a disinfectant on the premises so drained.

Article 1007. **Penalty.**—Any person violating the provisions of the foregoing articles shall be deemed guilty of a misdemeanor and on conviction be punished by a fine not exceeding one hundred dollars and each day the same or either of them are violated shall be a separate offense.

PRIZE FIGHT PICTURES.

Article 1008. **Prohibiting Showing Prize Fight Pictures.**—No person, firm or corporation shall display, show or exhibit in the city, moving pictures of prize fights.

Article 1009. **Penalty.**—Any person, firm or corporation, violating the provisions of the foregoing article, shall, upon conviction in the corporation court, be fined in any sum not less than Five Dollars nor more than two hundred dollars and each separate display, showing or exhibiting of a reel containing prize fight pictures shall constitute a separate offense.

INTERFERENCE WITH PRIVATE PROPERTY.

Article 1010. **Prevent Trespasses.**—That it shall be unlawful for anyone in the city to trespass upon, interfere with, or use the property of another person, or of a corporation, without the consent of the owner or owners.

Article 1011. **Injuring Property.**—That it shall be unlawful for any one to mischievously, maliciously, or wantonly mistreat, deface, injure or abuse public property, or the property of any person or corporation.

Article 1012. **Men to Give Passway to Ladies.**—It

shall be the duty of every male person meeting any female on the sidewalks, or cross walks, to give way and allow them sufficient room in which to pass.

Article 1013. **Unlawful Intrusion.**—Any person entering into the dwelling house, place of business, or upon the premises of another for any unlawful purpose shall be deemed guilty of a misdemeanor.

Article 1014. **Penalty.**—Anyone violating any of the provisions of the last above four preceding articles shall be fined in any sum not exceeding one hundred dollars.

Article 1015. **Injury to Baggage.**—Any person in the employ of a railroad company, a common carrier, transportation company, or any carriage driver or drayman, or any other person engaged or employed in the transportation of baggage, who shall by carelessness and recklessness of handling, break or injure any trunk, valise or other baggage, either aboard the cars at the depot, or any other place within the city, shall be fined in any sum not exceeding one hundred dollars.

Article 1016. **Breaking or Injuring Fences, etc.**—Any person who shall by pulling off pickets, removing gates, or by otherwise injuring any fence without the consent of the owner thereof, shall be fined in any sum not exceeding one hundred dollars.

DANCE HOUSE.

Article 1017. **Definition.**—A public dance house is defined to be any house kept for the purpose of public dancing, either by invitation or voluntarily. Providing same shall apply to variety shows giving dances. This, however, in nowise applies to legitimate theaters.

Article 1018. **Must Obtain License.**—No person shall keep a public dance house in the city limits without first obtaining a permit therefor from the Mayor upon application made in writing specifying the location in which such house is proposed to be kept, and paying the Assessor and Collector fifty dollars per annum, and obtaining a

license therefor, upon the payment of which license the Assessor and Collector shall issue a certificate to such person to keep and conduct a public dance house at the place specified in application to the mayor.

Article 1019. **Duty of Proprietor.**—It shall be the duty of the owner or proprietor of any such licensed dance house, variety or theatrical performance, to notify the Chief of Police of the time of the proposed assembling of any persons at his or her house for the purpose of dancing or witnessing such dance or theatrical performance, as herein defined, and any violation of this or the preceding article shall be punished by fine not to exceed one hundred dollars.

Article 1020. **Duty of the Chief of Police.**—Fee of Policemen.—It shall be the duty of the Chief of Police upon receiving such notification to detail one or more policemen to attend at such time and place for the purpose of preserving order, for which duty the chief of police shall collect in advance from the proprietor of such place the sum of $2.50 for each day or night each policeman may attend, and the chief of police shall issue a receipt therefor, and shall pay the amount so collected into the city treasury.

Article 1021. **Duty of Policemen.**—It shall be the duty of such police in attendance to preserve order, and in case of any disturbance it shall be his or their duty to close said dance house at once, and arrest all persons who may be guilty of any riotous, indecent or disorderly conduct.

Article 1022. **Penalty for Disorderly Conduct.**—Any person or persons who may be guilty of any riotous, disorderly or indecent conduct at any dance house shall be fined not less than ten nor more than one hundred dollars.

Article 1023. **Variety Show Defined.**—A variety show within the meaning of this chapter is a house or room used as a theater or play house where performances, plays, or exhibitions are given, and where spirituous, vin-

ous, or malt liquors are kept for sale, and in which there are retained in service, in any capacity, any prostitute, lewd woman, or woman of bad reputation for chastity, to display or conduct herself therein in a lewd, lascivious or indecent manner, or to solicit men to dance or purchase drinks.

Article 1024. **Unlawful to Advertise on Streets.**—It shall be unlawful for any owner, lessee, tenant, keeper, proprietor or manager of any variety show, as hereinbefore defined, to advertise in and upon any public street or thoroughfare of the city of Beaumont, or in or upon any public place within said city, any performance, play or exhibition to be given at said variety show, or any feature of any performance, play or exhibition connected with such show, by means of any band of music, drum, bugle or fife corps, or by means of any parade or procession, or by means of any wagon, float or other vehicle, or by means of any printed, painted or written advertising matter, or by means of any person, thing, sign or device whatsoever.

That the provisions of the above article shall not apply to any lawful and reasonable means to advertise said variety show in and upon and immediately contiguous to the premises where said variety show is conducted.

Article 1025. That any person, firm, association of persons or corporation violating any of the provisions of the above article shall be deemed guilty of an offense, and upon conviction, shall be fined in any sum not less than twenty-five dolalrs, and not more than two hundred dollars.

PUBLIC BALLS AND DANCES.

Article 1026. **Prohibiting Public Balls and Dances Without Permit.**—No person or persons shall give a public ball or have a public dance upon any premises owned or leased by them, or upon any premises in any manner under their control or management within the city of Beaumont, and no person or persons shall permit a public ball to be given or public dancing indulged in any man-

ner under their control or management within the city of Beaumont, unless they shall have first obtained from the mayor of said city a permit to give such ball or have such dancing, and also shall have filed such permit with the chief of police or deputy chief of police of said city at least six hours before the commencement of such ball or dancing and every such permit shall be for only one such ball or dancing and shall specify the time and place of having the same.

Article 1027. **Penalty.**—Any person or persons violating any of the provisions of the foregoing article shall be fined in any sum not to exceed one hundred dolalrs.

SUSPICIOUS CHARACTERS.

Article 1028. **Dangerous and Suspicious Characters. —Penalty.**—That all persons who shall have been officially reported to the police authorities of any other state or city of the United States and known as notorious thieves or criminals and who are found within the city of Beaumont without honest employment or honest avocation and all persons wandering about or lodging in saloons, taverns, beer houses, market places, sheds, barns and uninhabitable buildings or in the open air, and all persons who follow the occupation of inducing strangers and other persons to visit bawdy houses, gambling houses or to gamble, and ropers and cappers, and such persons as are commonly known as pimps, touts, fakirs and all persons notoriously known as pick-pockets, shall be considered as dangerous and suspicious persons and, upon conviction in the corporation court of the City of Beaumont, shall be fined not less than ten dollars nor more than one hundred dollars.

Article 1029. **Harboring Dangerous and Suspicious Characters.—Penalty.**—That whosoever shall knowingly harbor or protect, aid or assist any dangerous or suspicious person, referred to in the above article, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one dollar nor more than one hundred dollars.

Article 1030. **Enticing Any Person to Bet or Wager.** —Any person or persons who shall entice or persuade another to bet or wager money or any thing of value at any game of chance, played with cards or other device of whatsoever kind, or to bet on any device of whatsoever kind, or any money or other thing of value, or who shall entice or persuade any person or persons to go into any saloon, building, room, or other place of whatsoever character in order to have such person or persons bet or wager money or any thing of value on any game of chance played with cards or other device, of whatsoever kind, or to bet or wager on any such device any money or other thing of value, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than ten nor more than one hundred dollars.

Article 1031. **Injuring or Defacing Buildings, Walls, Fences, etc.**—Any person who maliciously, wantonly or wilfully injures any church or other building, either public or private, not included in Article 499 and 500 of the State Penal Code; or who writes or draws figures, letters or characters on the walls, fences or enclosures thereof in the city of Beaumont, shall be fined not less than one nor more than one hundred dollars.

Article 1032. **Taking Possession of Property Without Permission.**—Any person who moves into or takes possession of any dwelling house, outhouse, or other building or lot, the property of another, without the consent of the owner or agent thereof, shall be fined not less than one nor more than one hundred dollars.

Article 1033. **Malicious Mischief.**—Any person who unlawfully, wilfully or maliciously breaks, throws down, destroys or carries away any gate, step or door, the property of another, or who shall take down, deface or carry away any sign board, plate or card, which indicates the name, occupation or business of any person, firm or corporation in this city, shall be fined not less than one nor more than one hundred dollars.

Article 1034. **Unlawfully Entering a Theater or**

Other Place of Public Amusement.—Any person who enters, or attempts to enter, any theater or other place of public amusement when any exhibition is being given, in this city, without the payment of the admission fee, or without having an entrance ticket, or without the consent of the lessee, agent or manager thereof, shall be fined not less than one nor more than one hundred dollars.

Article 1035. **Loitering About the Premises of Another.**—Any person who is found loitering about the property or upon the premises of another, within this city, without being able to give a good account of himself, shall be fined not less than one nor more than one hundred dollars.

Article 1036. **Suspicious Intrusion.—Intrusion After Being Warned.**—Any person who is found in this city on the premises of another in the night time, under suspicious circumstances, and who, without legal cause, or good excuse, enters into the dwelling house or on the premises of another, shall be fined not less than one nor more than one hundred dollars.

Article 1037. **Bringing Paupers Into the City.**—Any person who knowingly brings or causes to be brought into the city any pauper or person having no means of support, and who is unable or unwilling to work, shall be fined not less than one nor more than one hundred dollars.

Article 1038. **Causing Arrest on Frivolous or Malicious Charge.**—Any person who causes or procures the arrest of another, on any frivilous or malicious charge, shall be guilty of a misdemeanor, and shall be required to pay the costs for the arrest and trial of such person, and may also be required to pay a fine of not less than five nor more than twenty dollars, to be collected as other fines and costs are now collected by law.

Article 1039. **Inciting Rescue or Resistance to Arrest.**—Any person who wilfully or intentionally does any act, or utters any word in the hearing of another, encouraging, inciting or proposing or intending to encourage or incite the forcible or unlawful rescue of any person in the

custody of a policeman or officer of the city, or the prevention or hindrance of any lawful arrest; or to use violence to any policeman or officer of the city in the execution of his duty, or any person summoned to aid in making an arrest, shall be deemed guilty of riotous conduct, and shall be fined not less than one nor more than one hundred dollars.

Article 1040. **Resisting or Interfering With an Officer in the Discharge of His Duty.**—Any person who assaults, strikes, or in any manner opposes, molests, abuses or interrupts any officer of the city, or policeman in the execution of his duty, shall be fined not less than one nor more than one hundred dollars.

Article 1041. **Disturbing Persons in Public Assembly.**—Any person who by rude or indecent behavior, or by profane or obscene language, disturbs any person in any public assembly for the purpose of amusement, instruction or recreation, shall be fined not less than one nor more than one hundred dollars.

Article 1042. **Disorderly Conduct in Public Assemblies.**—Any person, who by boisterous talking, whistling, or any rude or indecent act or conduct, disturbs the audience of any show, theater or exhibition, performance or other lawful assembly or public meeting, shall be fined not less than one nor more than one hundred dollars.

Article 1043. **Keeping a Noisy House.**—The owner, lessee or proprietor of any house who makes, causes, permits or suffers to be made therein any loud or improper noises, or who collects or permits to be collected therein any drunken, noisy or disorderly persons, to the annoyance or disturbance of the neighborhood, shall be fined not less than one nor more than one hudnred dollars.

Article 1044. **Breaking Horses or Mules on the Streets.**—Any person who breaks, or attempts to break, any horse or mule or other animal upon the streets or who shall exercise in harness or attempt to exercise in harness any wild or unruly horse or mule or other animal upon

the streets, shall be fined not less than one nor more than one hundred dollars.

Article 1045. **Wantonly Causing Collision of Vehicles.**—Any person who wantonly, wilfully, maliciously or carelessly causes or suffers any railroad car, carriage, wagon, cart, dray, bicycle or other vehicle or any animal, to come in collision with any vehicle, animal or person, shall be fined not less than one nor more than one hundred dollars.

Article 1046. **Carelessly Using Lights in Stables or Barns.**—Any person who carries or makes use of any lighted candle or lamp in any stable or barn without having the same secured in a safe lantern, or other means to avoid accidents from fire shall be fined not less than one nor more than one hundred dollars.

Article 1047. **Depositing Ashes in or on Wood.**—Any person who places or puts ashes in a wooden receptacle of any kind in a dwelling house, warehouse or other building, or upon any wooden floor, shall be fined not less than one nor more than one hundred dollars.

Article 1048. **Endangering Cotton or Other Inflammable Materials.**—Any person who carries any burning coal, or brand, or lighted cigar, pipe, or cigarette into any warehouse or other buildings in which cotton of other inflammable material is stored, compressed or ginned, shall be fined in any sum not less than one nor more than one hundred dollars.

Article 1049. **Carelessly Storing Hay, Straw, etc.**—Any person who puts or keeps, or causes to be put or kept, any hay, straw, fodder, or shucks in any stack or pile without having the same enclosed or secured so as to be protected from sparks of fire shall be fined not less than one nor more than one hundred dollars.

Article 1050. **Burning Trash, Shavings, etc.**—Any person who burns, or causes to be burned, any trash, shavings, straw or other combustible substance in any street or yard, unless it be done in the day time and at

least twenty feet from any building or fence or lumber or woodyard, shall be fined in any sum not less than one nor more than one hundred dollars.

Article 1051. **Discharging Missiles.**—Any person who discharges gravel, marbles, shot or anything out of a gravel shooter, blow gun, rubber sling, or other device or implement of like kind or character, shall be fined not less than one nor more than one hundred dollars.

Article 1052. **Refusing or Neglecting to Remove Dangerous Structures.**—Any person who neglects or refuses for twenty-four hours to remove any chimney, wall or other part of any building or structure which has become or may become dangerous to passersby, or to persons on the premises, or to adjoining property, after receiving due notice to do so from the Mayor, or other authorized city officer, shall be fined not less than one nor more than one hundred dollars.

Article 1053. **Leaving Wells, Cisterns, etc., Open.**—Any person who permits, on premises owned or occupied by him, any well, cistern or other excavation to remain open or uncovered, to the danger or others, shall be fined not less than one nor more than one hundred dollars.

Article 1054. **Tying Animals to or Injuring Shade Trees.**—Any person who ties or fastens any animal to any shade tree or to the box around any tree planted or growing in any street or public place, or who cuts, breaks, disfigures or damages such trees, shall be fined not less than one nor more than one hundred dollars.

Article 1055. **Sleeping Upon Streets or Sidewalks.**—Any person who sleeps upon any street or sidewalk in this city, shall be fined not less than one nor more than one hundred dollars.

Article 1056. **Removing Landmarks and Street Signs.**—Any person who removes any post, stake or other mark indicating the lines of any street or alley, or who pulls down, removes or defaces any board, sign or plate indicating the name of any street shall be fined not less than one nor more than one hundred dollars.

Article 1057. **Accompanying Lewd Women.**—Any person who rides or walks through or along any street or sidewalk, or other public place (not being an officer in the discharge of his duty) with any prostitute or woman of ill-fame, shall be fined not less than one nor more than one hundred dollars.

Article 1058. **Indecent Apparel or Lewd Conduct in Public.**—Any person who walks upon the streets or sidewalks in decently attired, or who stands or sits at the door or gate or on the steps of his or her house in an indecent position or lewd manner shall be fined not less than one nor more than one hundred dollars.

Article 1059. **Appearing in Public in a State of Nudity or in the Dress of the Other Sex.**—Any person who appears in public in a state of nudity, or who appears in public in the dress of the other sex, or in any indecent or lewd manner, shall be fined not less than one nor more than one hundred dollars.

Article 1060. **Indecent Exposure of the Person, etc.**—Any person who exposes his person in an indecent manner, or who does any obscene or indecent act in any street or public place or in the presence of any person in this city, shall be fined not less than one nor more than one hundred dollars.

Article 1061. **Possessing Burglarious Instruments, etc.**—Any person who has in his possession any implement or instrument designed and intended by him to aid in the commission of any burglary or larceny, or for picking a lock, shall be fined not less than one nor more than one hundred dollars.

Article 1062. **Refusing to Assist Officer.**—Any person who having been summoned or commanded by any policeman or other officer having authority to assist such officer in making an arrest, or in executing any other duty devolving upon him under any law of the city in relation to public offenses within the city or refuses or neglects to obey such summons or command, shall be fined not less than one nor more than one hundred dollars.

Article 1063. **Minors Obtaining Liquors by Deception.**—Any minor who shall in this city obtain or endeavor to obtain any vinous, spirituous or malt liquors from any retail liquor dealer, his agent or employee by means of any false representations, pretense or statement to the retail liquor dealer, his agent or employee, that such minor has attained his majority, or is twenty-one years of age or more, shall be fined not less than one nor more than one hundred dollars.

Article 1064. **Aiding Minors to Obtain Liquor by False Statements.**—Any adult in this city, who shall make to any retail liquor dealer, his agent or employee, any false pretense, statement or representation as to the age of a minor, with the intent and purpose to induce such retail liquor dealer, his agent or employee to give, deliver or sell any vinous, spirituous or malt liquors to such minor, shall be fined not less than one nor more than one hundred dollars.

Article 1065. **Tramps.**—Any able-bodied person over sixteen years of age who is found begging or subsisting upon charity; or who enters, or who attempts to enter any dwelling house, or to go upon the premises of another against the will of the owner, occupant or person in charge thereof, or having entered any house or gone upon such premises, persists in remaining against the consent of the owner, occupant or person in charge thereof, or who takes possession of any school house, out house or other building, either public or private, for the purpose of spending the night therein; or who shall kindle a fire in such building or on the land of any person, on any street, public highway or common, shall be considered a tramp, and shall be fined not less than one nor more than one hundred dollars.

Article 1066. **Sprinkling Foot Crossings.**—Any person in charge of a street sprinkling water cart who shall sprinkle the foot crossings on any street in the city shall be fined ten dollars.

Article 1067. **Street Walking, etc.**—It shall be unlawful for any female known as a courtesan, prostitute,

bawd or lewd woman, or any female inmate of a bawdy house or house of prostitution, or assignation, brothel or disorderly house, as defined by the Penal Code of the State, to wander about the street in the night time, or to go into beer houses or places of public resort, or to be employed to sing or dance in such house or place, or be employed as a beer carrier or waiter girl in any such house or place, and any person offending against the provisions of this article shall be fined not less than five nor more than one hundred dollars.

Article 1068. **Public Plying of Vocation by Prostitution.**—It shall be unlawful for any female known as a prostitute, bawd, courtesan or lewd woman, to ply, or seek to ply, her vocation by word, sign or action, on the streets, alleys or in any public place, or at the door or window of any house or rooms. Any person offending against the provisions of this article shall be fined not less than five nor more than one hundred dollars.

Article 1069. **Duty of Policemen and Chief of Police.**—It shall be the duty of all policemen in the city, whenever they become aware of any violation of the two preceding articles, to immediately arrest the offenders, and failure of any policeman to do so shall subject him to a fine of not less than $5.00 nor more than $100.00.

Article 1070. **Barbed Wire Fences Prohibited.**—That all persons are hereby prohibited from placing barbed wire fences around their property and premises within the corporate limits of the City of Beaumont.

Article 1071. **Penalty.**—Any person violating any of the provisions of the preceding article, shall upon conviction in the Recorder's Court, be fined in any sum not less than one dollar nor more than one hundred dollars, and each day such fence shall remain shall be deemed a separate offense.

Article 1072. **Court House Square, Curb Walls, etc.**—That it is hereby declared unlawful for any person or persons to sleep in the enclosure of the Court House of Jefferson County, Texas, situated in the City of Beau-

mont, or walk upon the grass in said square, other than the regular walks made and provided by the Commissioners' court of said county; and no person shall paste or fasten any play bill or other advertising matter of any character whatever upon the curbwall, the sidewalk of the coping surrounding the court house of Jefferson County, Texas, nor make any sign or lettering thereon.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction in the Recorder's Court, shall be fined in any sum not less than one dollar nor exceeding ten dollars.

Article 1073. **Tacking of Tin Signs on Bridges and Sidewalks.**—That all persons are hereby prohibited from tacking or nailing any tin signs upon any of the bridges, approaches to bridges or sidewalks of the city of Beaumont.

Article 1074. **Penalty.**—That any person violating any of the provisions of the above article shall be fined, upon conviction in the Recorder's Court, in any sum not less than one nor more than twenty-five dollars.

Article 1075. **Defacing Any Bridge.**—Any person or persons who shall deface any bridge in the city of Beaumont by painting signs on same, or who writes or prints figures or characters on said bridges, or otherwise defaces same, shall be fined not less than five nor more than one hundred dolalrs.

Article 1076. **Use of Air Guns, "Nigger Shooters," etc., Prohibited.**—That any person who shall shoot an air-gun, "nigger shooter" or catapult, or such like device, or shall hurl or throw any missile by the use of any air gun or implement having rubber as motive power, in or across or near to any public square, street or alley within the limits of Beaumont, shall be fined in any sum not exceeding one hundred dollars.

Article 1077. **Certain Bands of Music Prohibited from Playing on Streets.**—The playing of bands upon the streets or in other public places in the city of Beaumont, with a view of taking up a collection from the by-standers

by some one, for the benefit of the members composing said band, is hereby declared to be a nuisance and unlawful.

Article 1078. **Every Member Subject to Fine.**—Every member of a band of musicians that shall play upon the streets or street or in a public place in the City of Beaumont, with a view of taking up or having taken up a collection from the by-standers, shall be guiity of committing a nuisance; provided, that this shall not be construed to apply to religious organizations that conduct their services in the streets or in other public places.

Article 1079. **Penalty.**—That every person who shall violate either of the two preceding articles, by playing in such band, shall be fined not less than one dollar nor more than one hundred dollars.

Article 1080. **Unlawful Conversation with Prisoners.**—It shall be unlawful for any person on the outside of the city prison to hold any conversation with any of the inmates therein confined without first obtaining permission of the jailor; and any person who violates this article shall, upon conviction, be fined in a sum not less than two nor more than ten dollars.

Article 1081. **Driving Rapidly.**—Any person who shall run or be in any way concerned in running or driving any horse, or horses, or other teams upon or along any of the streets, alleys or other public grounds of this city at a faster rate than six miles an hour, or faster than is prescribed by the traffic ordinances, they shall be fined in any sum not exceeding one hundred dollars.

Article 1082. **Officers Failing to Arrest Offender; Penalty.**—Any peace officer who hears, witnesses or is credibly informed of any violation of any of the provisions of this Revised Code of Ordinances, and who fails, or refuses to make complaint against and prosecute the offending person, or persons, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not exceeding one hundred dollars.

Article 1083. **Mayor, Aldermen, City Attorney,**

Peace Officer, etc., Shall Report Officer.—It is hereby made the special duty of the Mayor, aldermen, or either of them, the city attorney, and any peace officer to make complaint in the city court against any officer violating the provisions of the preceding article.

PROVISIONS FOR PRESERVATION OF PROPERTY.

Article 1084. **Injuring Waterworks Property.**—Any persons who unlawfully, wilfully, maliciously, injures, defaces or destroys any reservoir, machinery, pipes, hydrants or other fixtures belonging to the waterworks in the city of Beaumont shall be fined not less than one nor more than one hundred dollars.

Article 1085. **Injuring Gas Works or Electric Light Property.**—Any person who unlawfully, wilfully or maliciously injures, defaces or destroys any machinery, lamp, meter, pipe, wires or other fixtures belonging to or connected with the waterworks or any gas or gas light company, or electric light company, or telegraph or telephone company, or other person or company, operated in the City of Beaumont shall be fined not less than one nor more than one hundred dollars.

Article 1086. **State Convicts Shall Not be Employed on Public Works.**—No state convict shall be allowed or permitted to work or to be employed in any public place within the city limits, and any person, contractor, sergeant or guard who shall employ or work any state convicts within the city limits, or who shall guard state convicts employed within said city limits, shall be fined not less than five nor more than one hundred dollars.

Article 1087. **Unlawfully Running Locomotive Engines.**—Any person who causes, permits or suffers any locomotive engine to run within the limits of the city at a greater rate of speed than six miles per hour, or who causes, permits or suffers any locomotive engine or train to run or move in the night time without having a headlight, or who shall cause, permit or suffer any locomotive engine or train to run without causing the proper signals to be given, shall be fined not less than one nor more than one hundred dollars.

Article 1088. **Introducing Contagious or Infectious Diseases.**—Any person who brings or aids in bringing into the city upon any steamboat, railroad car or other conveyance, or in any other manner, any person having any contagious or infectious disease shall be fined not less than one nor more than one hundred dollars.

Article 1089. **What Shall be Beneath Stoves.**—It shall be the duty of all persons using a stove or stoves, in any house, store, shop or building, within the corporate limits of the city, to have a platform of stone, brick, sheet iron or earth under the said stove or stoves, extending at least six inches in every direction beyond the part of the lower plate that fronts the door or doors of said stove or stoves; and any person failing to observe or conform to this direction shall be liable to a fine not exceeding five dollars for each and every day the same shall be used.

Article 1090. **Peace Officer Failing to Report Gaming.**—If any peace officer within the city of Beaumont shall know or have good reason to believe from information received from credible parties or otherwise that any person or persons are committing or are about to commit any violation of the gaming laws, and shall neglect or fail to give information thereof and make complaint to the city attorney, mayor or recorder, he shall be fined not less than twenty-five nor more than one hundred dollars; and if he be the chief of police, or a member of the police force of the city, he shall, in addition to such fine, be suspended from office.

Article 1091. **Fines and Penalties Not Otherwise Provided.**—Whenever in the ordinances of this city, or in either of such ordinances, the doing of any act, or the omission to do any act or duty, is declared to be a breach of any or either of said ordinances, and there shall have been no fine or penalty declared for any such breach, any person or persons guilty of any such breach shall be fined in any sum not to exceed one hundred dollars.

Article 1092. **Foregoing Articles Shall Not Affect**

Sanitary Rules, Regulations, etc.—Should any of the foregoing articles included under the general heading of Miscellaneous Offenses conflict with any rule, regulation or ordinances of this city or of the City Health Officer or the penalties thereby or therein prescribed, such rules, regulations or ordinances of this city or of such City Health Officer shall control as to sanitary matters, and nothing in this chapter shall be held to conflict with any of such sanitary rules, regulations or ordinances, whether adopted by the City Council or by such Health Officer.

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Franchises and Contracts

CHAPTER I.

TEXAS AND NEW ORLEANS RAILROAD COMPANY.

An ordinance confirming the rights of the Texas & New Orleans Railroad Company to locate, own and maintain the tracts heretofore laid from its main line of road along Main Street to the mills of the Beaumont Lumber Company and from a point on its main line to the mills of the Reliance Lumber Company, and from a point of connection with its said track reaching down Main Street to the mills of the Texas Tram and Lumber Company.

Whereas, the Texas & New Orleans Railroad Company, many years ago constructed, and has ever since owned and maintained a track extending from a point of connection with its main line near its freight station in Beaumont in to and along Main Street to the mills of the Beaumont Lumber Company, and another track extending from a point of connection with its main line near Travis Street, across certain property and into the mills of the Reliance Lumber Company; and another track from a point of connection with the track reaching into and along Main Street; thence into the mills of the Texas Tram & Lumber Company; and,

Whereas, some of the tracks were constructed before the City of Beaumont was incorporated, and,

Whereas, the question has been raised respecting the right of said company to own, maintain and operate said tracks, but said company claims such right, and it is believed to legally exist, and it is deemed to the interest of all concerned that all such questions shall be removed; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right of the Texas & New Orleans

Railroad Company to own, operate and maintain the track extending from a point of connection with its main line near its freight station in Beaumont and along Main Street to the mills of the Beaumont Lumber Company, and the track extending from a point of connection with its main line near Travis Street across certain property and into the mills of the Reliance Lunmber Company; and the track extending from a point of connection with the track above mentioned reaching into and along Main Street, thence into the mills of the Texas Tram & Lumber Company, and all such tracks being in the City of Beaumont, be and the same is hereby recognized ratified and confirmed.

Sec. 2. That this ordinance take effect and be in full force from and after its passage. Approved February 8th, 1899.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the ordinance passed at the regular session of the City Council of Beaumont held on the 7th day of February, 1899, and approved by the Mayor on the 8th day of February, 1899, recognizing, ratifying and confirming the right of the Texas & New Orleans Railroad Company to own, operate and maintain the track extending from a point of connection with its main line near its freight station in Beaumont into and along Main Street to the mills of the Beaumont Lumber Company, and the track extending from a point of connection with its main line near Travis Street, across certain property and into the mills of the Reliance Lumber Company, and the track from a point of connection with the track above mentioned reaching into and along Main Street, thence into the mills of the Texas Tram & Lumber Company, all such tracks being in the City of Beaumont, be and the same is hereby amended, revoked and made void, in so far as the same effects or relates to the tracks and seeks to recognize, ratify and confirm the right to, or grant a franchise and right of way, and the right to locate, own and maintain the tracks laid from a point of the

connection with main line of the Texas & New Orleans Railroad near Travis Street, across certain property, and into the mills and yards of the Reliance Lumber Company.

MAIN STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the petition of the Texas & New Orleans Railroad Company be, and the same is hereby granted, and said Texas & New Orleans Railroad Company is hereby given and granted the right and privilege to construct, own and operate, a spur or switch track or railroad, beginning at some point on the spur or switch track of said railway company as the same now exists on and along Main Street near the intersection of Main and Milam Streets; thence extending in a northerly direction and along Main Street and on, along or parallel to the west line of lots 546, 547 and 548 in Block 3 in the City of Beaumont, according to the old town plat of said city and to extend northwardly to a point near the intersection of Main and Washington Streets; said spur track to be constructed substantially in accordance with the plan as shown on the blue print hereto attached and made a part of this ordinance, the contemplated spur track being indicated thereon by a red line. Approved May, 1900.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be and is hereby granted permission to construct another main line track from a connection with its present main line track at a point at or near the west end of its trestle over the Neches River; thence in a westerly direction on the north side of its present main track parallel with and as near thereto as safety in the operations of its trains on both lines at the same time will permit across Tevis Street, Cypress Street, Travis Street, Main Street, Pearl Street, Crockett Street and Orleans

Street, to a connection with its track or tracks west of said Orleans Street now or hereafter to be constructed.

Sec. 2. Be it further ordained that the said Texas & New Orleans Railroad Company be and is hereby granted the right and permission to construct two additional tracks from a point west of Orleans Street to the south side of and as near as practicable to the tracks of said company already located thereon across said Orleans Street in an easterly direction, but in no event to be extended as far east as Pearl Street or the sidewalk along the west side of Pearl Street.

Sec. 3. Be it further ordained that the said railroad company be and it is hereby given the right and permission to move or re-arrange its present sidetrack across Pearl Street. south of its main track so as to properly connect same with the present spur track, the western terminus of which is now between Pearl and Main Streets.

Sec. 4. Said railroad company shall be required to promptly restore said streets at the place of each crossing provided for herein to its former condition and to maintain same in good condition as provided by law, said tracks to conform to the grade of streets crossed, and where any street crossed is now paved or may hereafter be paved, the grantee herein shall pave from end to end of its ties and shall keep said pavement in good condition. Passed May 5th, 1903.

MAIN AND PEARL STREETS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be, and it is hereby granted the right and privilege to construct a side track across Main Street in said city just south of where its main line now crosses Main Street from a point of connection east of said street running in a westerly direction across said Main Street parallel with and south of its main line, past its new freight depot, to a connection with its side track now running across Pearl

Street south of its main line, said connection to be made east of said Pearl Street.

Sec. 2. The right and privilege is further granted to said railroad company to make a slight change in the course of said last named track across said Pearl Street, if found necessary by said company to make a proper connection with the first named side track east of said Pearl Street, provided, said railroad company shall properly restore said street crossings to their former condition, as now required by law; provided further, said track shall not cross Main Street until said company is prepared to and has made its connection with its main line east of said Main Street.

Sec. 3. That this ordinance take effect from and after its passage. Approved August 17th, 1901.

TRAVIS STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company is hereby granted authority to construct a spur track from a connection on its main line east of Travis Street, thence along the right of way of said railroad company in a westerly direction across said Travis Street to and along the south side of a freight warehouse to be erected in Block No. 25 by Thos. H. Langham, said railroad company shall restore and keep said street at said crossing to its former condition.

Sec. 2. That this ordinance shall take effect from and after its passage. Approved Nov. 6th, 1901.

CYPRESS STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be, and it is hereby granted the right and priv-

ilege to construct a spur track from a connection with its main track at a point east of Cypress Street in said city in a westerly or southwesterly direction on the south side of its main track across Cypress Street in the City of Beaumont and to operate the same in connection with its railroad business.

Sec. 2. Said railroad shall restore said street at the point of said crossing as nearly as possible to its former condition and maintain said crossing as now or may hereafter be provided by the Charter and Ordinances of the City of Beaumont. Passed Sept. 1st, 1903.

BONHAM STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be and it is hereby granted the right and privilege to construct a spur track from a connection with its main track running north an dsouth on the west side of the city along and upon Bonham Street crossing Avenue B and Avenue A to the intersection of Bibb Avenue.

Sec. 2. Said Texas & New Orleans Railroad Company shall immediately upon construction of said spur track along said Bonham Street, restore said street and crossings as nearly as practicable to their former condition, and shall keep said crossings in repair and do all things with reference to said street and the said spur track which is now or may hereafter be required by the Charter and the Ordinances of the City of Beaumont.

Sec. 3. Be it further ordained that this ordinance take effect immediately upon its passage. Passed Oct. 7th, 1903.

MAGNOLIA AVENUE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad

Company be and it is hereby granted the right and privilege to construct a spur track from a connection with its main track running east and west on the west side of the city along and across South Street to its connections with Magnolia Avenue; thence north along Magnolia Avenue to its intersection with Laurel Avenue; thence across Laurel Avenue and along Magnolia Avenue a distance of 150 feet from the north boundary of Laurel Avenue.

Sec. 2. Said Texas & New Orleans Railroad Company shall immediately upon construction of said spur track along said Magnolia Avenue restore said street crossings as nearly as practicable to their former condition and shall keep said crossings in repair and do all things with reference to said street and said spur track which is now or may hereafter be required by the Charter and the Ordinances of the City of Beaumont.

Be it further ordained, that this ordinance shall take effect immediately upon its passage. Approved Nov. 3rd, 1903.

Whereas, at a regular meeting of the City Council of the City of Beaumont, on to-wit, the 5th day of May, 1903, said council passed an ordinance granting to the Texas & New Orleans Railroad Company a franchise to lay another main line track across certain streets in the City of Beaumont herein named, and by the second section of said ordinance the right and franchise was granted to said Texas & New Orleans Railroad Company, to construct two additional tracks from a point west of Orleans Street to the south side of the tracks of said company already located thereon across said Orleans Street in an easterly direction, and,

Whereas, said Texas & New Orleans Railroad Company by and through its second vice-President and Manager, W. G. Van Vleck, has agreed to waive the second section of said ordinance and is willing that same be repealed.

Therefore be it ordained by the City Council of the City of Beaumont that section two of said ordinance

above described permitting said tracks to be placed across Orleans Street on the south side of the main line of said railroad, be and the same is hereby repealed. Passed February, 1904.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be, and it is hereby granted the right and privilege to extend the present spur track on the south side of its main line and which is situated next to and adjoining the property of the Beaumont Ice, Light and Refrigerating Company in a westerly direction parallel with its present main line across Travis Street on the south side of said present main line.

Sec. 2. That if the said Texas & New Orleans Railroad Company exercises the privileges herein granted it shall restore said Travis Street at the point where the said track will cross the same to its former condition as nearly as practicable and will so maintain said crossing as long as said track occupies said street.

Sec. 3. That if said street is paved in the future along where said railroad crosses same, said railroad company shall pay its pro rata of the expenses of such paving and maintaining as provided by the Charter and Ordinances of the City of Beaumont. Apr. 7th, 1904.

WATER PIPES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company is hereby granted the right and privilege to construct a pumping station on its right of way near Neches River and lay a pipe line along its right of way from Neches River to its yards in the west side of the City crossing Tevis, Cypress, Travis, Main, Pearl, Crockett and Orleans Streets.

Sec. 2. Said pipe to be cast iron six inches or more

in diameter with all joints well leaded so as to prevent leakage and to be buried at least six (6) feet below the grade of said streets, said pipe line and water to be used for the sole and only use of said company for water for its railroad purposes.

Sec. 3. Said streets where pipe line crosses shall be restored at once to their former condition and the work shall be done speedily so as to interfere with travel over said streets as little as practicable and only one street being disturbed at a time except where Crockett and Orleans Streets cross each other on said right of way. All to be done under the supervision of the Street and Bridge Committee and City Engineer. Aug. 17, 1904.

SECOND STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company is hereby granted the permission and right to construct and maintain at its own expense a switch track along and upon Second (2nd) Street in the Parkdale Addition to this city, from the junction of said Second Street with the main line of the Texas & New Orleans Railroad northwardly along said Second Street to the south line of South Street in said addition and over and across all streets and alleys crossing or intersecting said Second Street.

Sec. 2. That said Texas & New Orleans Railroad Company shall at its own expense construct all necessary culverts and drains under said switch, place and maintain all proper and necessary crossings at the intersections of all streets it may cross, and shall within a reasonable time, not to exceed six months from the date of the acceptance of this grant ballast said switch track between the rails thereof and at least two feet on the outside of each rail, with gravel, shell, crushed rock or other suitable material and will at all times keep the said track on a level with the grade of said street.

Sec. 3. In the event that from any cause the necessity for the continued maintenance of said switch on said street shall cease, in that event, said railroad company binds itself to remove the said switch within thirty days after service of a written demand therefor made by the authority of the City Council of the City of Beaumont.

Sec. 4. The rights herein given shall continue for a period of fifty (50) years from the date of acceptance hereof by said railroad company and on the expiration of said period, all rights herein shall cease and said switch and track shall be removed and said street restored to condition suitable for ordinary travel at the cost of said company.

Sec. 5. After the passage hereof the Texas & New Orleans Railroad Company shall file, with the City Secretary, written acceptance of the rights herein granted before this ordinance shall be effective. Passed July 5th, 1905.

HICKORY, TRAVIS AND MAIN STREETS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company, be and it is hereby granted the right of way and the privilege to construct and operate a switch or spur track from a connection with its present spur track on Hickory Street at the north corner of Block 14 at the intersection of Main and Bowie Streets, thence across Main and across Travis Street to the west line of Cypress Street as shown by the red line on the blue print hereto attached, and marked "Exhibit A" and made a part of this ordinance.

Sec. 2. The rights herein granted to the said Texas & New Orleans Railroad Company are so granted upon the expressed conditions that said railroad company, its successors and assigns shall, in all things, strictly comply with all provisions of the City Charter of the City of Beaumont and any and all ordinances that may be lawfully passed by the City Council regulating the railroad

tracks, turnouts and switches within the city limits and keeping in good repair and condition all street and alley crossings, intersected by said switch and track. That said railroad company shall and will fill in between its ties and rails and between its present switch track and the one to be constructed hereunder with rock, shell, gravel or sand and keep the same ballasted with such material so the same shall at all times be in condition for ordinary traffic over, across, and along the same, and construct its said track on the proper grade as may be established by the City Engineer.

Sec. 3. The rights and privileges herein granted shall continue for the period of twelve (12) years from the date of the final passage and approval by the Mayor, unless sooner forfeited for failure to comply with any of the terms and provisions thereof.

Sec. 4. The rights and privileges herein granted shall be effective and shall accrue in favor of the said railroad company only upon the filing of a written acceptance to be executed by the proper officers of the said Texas & New Orleans Railroad Company and filed with the City Secretary of this city within thirty days from the approval hereof by the Mayor. Approved Feb. 20th, 1906.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the conditional grant made by the Texas & New Orleans Railroad Company to the City of Beaumont for acceptance through its City Council be and the same is hereby accepted by the City Council for and in behalf of the City of Beaumont upon the terms and conditions therein expressed, said grant being in words and figures substantially as follows:

The State of Texas,
County of Jefferson.

KNOW ALL MEN BY THESE PRESENTS: That

the Texas & New Orleans Railroad Company, a private corporation, duly incorporated under the laws of the State of Texas, the principal office being in Harris County, Texas, for and in consideration and upon express conditions that the City of Beaumont shall at all times recognize and respect the terms and conditions of this instrument and carry out in good faith all the duties and obligations imposed upon it by the terms of this instrument, and for no other consideration has granted, sold and conveyed, and does hereby grant, sell and convey unto the City of Beaumont, a municipal corporation chartered under the special act of the Legislature of the State of Texas, the right and privilege of using for street purposes that certain strip of land, connecting Mariposa Street on the North side of the Grantor's railroad right of way of the City of Beaumont with Bibb Avenue on the south side of said right of way, said strip of land being more particularly described as follows:

"Beginning on the southeast corner of Lot 1, Block 37, Van Wormer Addition, same being in the southern edge of the right of way of the T. &. N. O. R. R.; thence in the same course of the western boundary line of Bibb Avenue, if extended, 208.98 feet to a point of curve; thence on a 20 degree curve right 200.2 to a point of tangent; thence on the same course of the western boundary line of Mariposa, if extended, 203.45 feet to the southeast corner of Lot 12, Block 37, Calder Addition, which is in the right of way of the T. & N. O. R. R.; thence in a southeast direction with the edges of the T. &. N. O. right of way 65.27 feet to a point which is 10 feet at right angles from the eastern edge of Mariposa; thence south 10 feet from the palallel to the eastern edge of Mariposa; thence south 10 feet from and parallel to the eastern edge of Mariposa 175.95' to a point of curve; thence with a 25 degree and 11 minutes curve left 161.44' to a point of tangent; thence in a southeasterly direction with the eastern edge of Bibb Avenue, if extended to a point in the southern boundary line of T. & N. O. right of way; thence in a westerly direction to a place of beginning:

To have and to hold all and singular the above privileges aforesaid to it the city of Beaumont, but only upon the express conditions and terms herein set forth:

The Texas and New Orleans Railroad Company shall put in and maintain over said strip of land a crossing at grade from the top edge of the railroad bed at the north side of its most northerly track as at present constructed across said proposed street, constructing as promptly as practicable said crossing between the two points hereinafter specified and maintaining same at its own expense across all five tracks intervening between said points.

But the said Railroad Company shall not be required now or at any time in the future to either consrtuct or maintain any part of said proposed street crossing north of the top edge of its road bed at the north side of the most northerly track as at present constructed over the proposed street, nor south of the top edge of its road bed at the south side of the most southerly track as at present constructed across said proposed street. But all of said crossings except between the two points last named shall be constructed and forever maintained at the sole and exclusive cost and expense of the City of Beaumont, in such manner as it may determine upon provided that the city of Beaumont shall make all suitable and proper arrangements for drainage and be alone responsible for the construction and maintenance of such portion of said crossings including both driveway and sidewalk.

The said railroad company shall have the right, which is herein reserved to hereafter construct and maintain at such time or times as it may desire such an additional track or such additional tracks as it may elect across said proposed street crossing, but in the event of the construction of such additional tracks the railroad company shall at its own expense maintain the additional portion of such crossing, if any, occupied by such tracks, including only such portions of said crossing as are between the two ends of the ties upon which each additional track is laid.

The said railroad company shall have the right to use any or all of the tracks crossing said proposed street for switching and making up its trains and all such necessary handling of the trains and cars over same that may be incident to its business, subject, however, to the rules and ordinances prescribed by the city council, but shall not be in any manner so restricted in such use of its tracks, at present or hereafter to be, constructed across said proposed street as to prevent or unreasonably interfere with the use of said tracks for any and all purposes hereinbefore mentioned.

Each and all terms and conditions of this grant are expressly made conditions subsequent, and a violation of any of said conditions by the City of Beaumont, or any officer, agent or servant acting under authority of the city of Beaumont shall at the option and election of the Texas & New Orleans Railroad Company, its successors and assigns forfeit and determine all the rights hereby granted to the city of Beaumont, and upon such breach of conditions upon written notice from the Texas & New Orleans Railroad Company, its successors and assigns delivered to the mayor or other presiding or chief executive officer of the city of Beaumont all rights hereinbefore granted shall immediately revert to the Texas & New Orleans Railroad Company, its successors and assigns with the right to retake exclusive possession and maintain exclusive use of the property hereinbefore described.

In witness whereof the Texas & New Orleans Railroad Company has caused these presents to be signed by W. G. Van Vleck, its second vice president, and its corporate seal to be affixed hereto attested by R. G. Cottingham, its secretary, this 19th day of April, A. D., 1909.

Sec. 2. That the said strip of land hereinbefore described be, and the same is hereby ordered opened for use as a public street of the city of Beaumont and it is further ordered that same be placed in proper condition for the use of the public in accordance with the provisions and terms of the grant to the city of Beaumont

from the Texas & New Orleans Railroad Company as set forth in Section 1, hereof. Approved June 2nd, 1909.

MAIN STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company be, and it is hereby, granted the right and privilege to extend its certain spur track situated on the north side of its main line and east of Main street (known as the Langham tract) westward acrosss said Main street at a point between 20 and 30 feet from the main line.

Sec. 2. The work when begun shall be completed as speedily as possible and the street at the point of crossing restored as nearly as practicable to its former condition and so maintained by said railroad, as now provided by the charter and ordinances of the City of Beaumont.

Sec. 3. This franchise shall in no case remain binding upon the city of Beaumont nor exist as a franchise for a longer period than twenty years from the time it is finally adopted by the city council unless the city council shall at the expiration of twenty years see fit to extend same by granting a franchise extending the life of this.

Passed June 19th, 1906.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas & New Orleans Railroad Company, be, and it is hereby granted a right of way and privilege to construct and operate a switch or spur track from a connection with its present spur track or switch on Main street at a point in Main street on said switch track, eastward from the center of Keith Park; thence northward on Main street to the intersection of Forsythe

Street; thence across Forsythe Street to the intersection of Cypress street; thence along and northward on Cypress street to the north corner of lot 612, Block 18 in the City of Beaumont, about as shown by the red line on blue print attached and marked Exhibit "A" and made a part of this ordinance.

Sec. 2. The rights herein granted to the Texas & New Orleans Railroad Company are so granted upon express conditions that the said Railroad Company, its successors and assigns shall in all things strictly comply with all the provisions of the city charter of the City of Beaumont, with all ordinances that may be lawfully passed by the city council of said city, regulating railroad tracks, turnouts, spurs and switches within the city limits, and construct the said track on the proper grade as may be established by the city engineer.

Sec. 3. The rights and privileges herein granted shall continue for a period of twenty-five (25) years from the date of the final passage and approval by the mayor unless sooner forfeited for failure to comply with any of the terms and provisions hereof.

Sec. 4. The rights and privileges herein granted shall be effective and shall accrue in favor of the said railroad company only upon the filing of a written acceptance of the terms hereof, and said acceptance to be executed by the proper officers of the Texas & New Orleans Railroad Company and filed with the city secretary within thirty days from the approval hereof by the mayor. Approved Dec. 23rd, 1909.

Whereas, the city council of the City of Beaumont, did on to-wit the 5th day of May, 1903, pass an ordinance granting to the Texas & New Orleans Railroad Company a right of way across Tevis street, Cypress street, Travis street, Main street, Pearl street, Crockett street and Orleans street to construct and maintain a railroad track

and to operate a railroad thereon, subject to certain restrictions, duties and obligations on the part of the said railroad company, and whereas the charter of the city of Beaumont requires that any railroad company occupying a street which has been paved shall become liable as therein provided, and that before any railroad company shall be permitted to occupy such improved street or portions of streets, it shall file with the city secretary in writing prepared by the city attorney an acceptance of the terms on which its occupancy shall be permitted and whereas the said right of way is over certain paved streets or portions of streets in the city of Beaumont.

Now, therefore, the said Texas & New Orleans Railroad Company does by this instrument, prepared by the city attorney of the city of Beaumont, accept the franchise of right of way granted by virtue of the said ordinance, with all of its terms and provisions.

Signed by the Texas & New Orleans R. R. Company
Dated February 2nd, 1904. By W. G. Van Vleck,
2nd Vice Pres. and Manager.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF BEAUMONT:

The Texas & New Orleans Railroad Company hereby accepts the franchise granted to it on the 20th day of February, 1906, by ordinance finally passed and approved on said date, granting to the said railroad company permission to construct and operate a spur track from a connection with its present spur track on Hickory Street at the north corner of Block 14 at the intersection of Main and Bowie Streets, thence across Main street, thence extending along Hickory Street and across Travis Street to the west line of Cypress Street as shown by the red line on the blue print map attached to and made part of this ordinance.

Witness the signature of the Texas & New Orleans

Railroad Company by A. S. Johnson, Superintendent thereof, this 20th day of March, 1906.

Texas & New Orleans R. R. Co.
Per A. S. Johnson, Supt.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF BEAUMONT:

The Texas & New Orleans Railroad Company hereby accepts the franchise granted to it during your July, 1906, session for the extension of its spur track on the north side of its main tracks across Main Street in said city.

Witness the signature of said Texas & New Orleans Railroad Company acting herein by and through its superintendent, A. S. Johnson, this 2nd day of August, 1906.

Texas & New Orleans Railroad Company,
Per A. S. Johnson, Supt.

Received and filed this 3rd day of August, A. D. 1906. J. G. Sutton, City Secretary.

WRITTEN ACCEPTANCE.

Beaumont, Texas, Jan. 22, 1910.

To the Honorable Mayor and City Council of the City of Beaumont, Jefferson County, Texas:

In accordance with the provisions of ordinance recently passed by you, granting to the Texas & New Orleans Railroad Company, the right to build a switch track leading off from its main track now on Main street into the property adjoining Main street on the east known as S. P. Kelley property, we hereby accept such franchise according to the terms of the ordinance passed by your Honorable body.

Texas & New Orleans Railroad Co.
By Parker & Orgain,
Its Division Attys.

CHAPTER II.

BEAUMONT, SOUR LAKE & WESTERN RAILWAY COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont, Sour Lake & Western Railway Company in its own right and in the right of its successors and assigns, is hereby granted the right of way for and the authority to construct, own, maintain and operate its railroad and railroad tracks, over, along and upon and across the following public streets, alleys and avenues and highways within the corporate limits of the City of Beaumont as follows, to-wit:

1. For one main line track from the western boundary line of the city at or near a point on the said west boundary line 927 feet south of the right of way of the Texas & New Orleans Railroad Company's railroad from Beaumont to Houston, running thence in an easterly direction to the west end of the yards of the Texarkana & Fort Smith Railway Company.

2. For one track along the alley which bisects Block fifty-two (52), fifty-three (53), fifty-four (54) and fifty-five (55) of the Van Wormer Addition, from the Texarkana and Fort Smith Railway Company's yards on the west to a connection with the track of the Gulf & Interstate Railway Company of Texas and the Gulf, Colorado & Santa Fe Railway Company, opposite block twenty-two (22) of the Van Wormer Addition on the east.

3. For two tracks along west Bowie Street from the yards of the Texarkana & Ft. Smith Railway Company on the west to the east line of Railroad Avenue on the east.

4. For one track along the alley bisecting blocks fifty-eight (58), fifty-seven (57), and fifty-six (56) of the Van Wormer Addition from the yards of the Texarkana & Ft. Smith Railway Company on the west to the east line of Railroad Avenue on the east.

5. For one track on Fannin Street from the yards of the Texarkana and Fort Smith Railway Company on the west to the east line of Railroad Avenue on the east.

6. For one track along east Bowie Street, beginning at the west boundary line of Sabine Street, running thence east along Bowie Street to Main Street, across Main Street and across Travis Street and across Cypress Street in the most practicable manner to the property heretofore known as the property of the Texas Tram & Lumber Company on the Neches River.

7. For one track at or about the intersection of Avenue C with the west end of Crockett Street to a connection with the tracks of the Texarkana & Ft. Smith Railway Company at the northwest end of the yards of said company.

8. For one track east of and adjoining and practically parallel to the northeast boundary line of the yards of the Texarkana and Ft. Smith Railway Company, crossing the alley which intersects block fifty-two (52) and crossing Avenue A and Bowie Street near the intersection thereof and crossing the alley which intersects block fifty-eight (58) and crossing Bibb Avenue near where the same intersects Fannin Street.

9. For one track on Fannin Street beginning at the east boundary line of Railroad Avenue, and running thence along Fannin Street to the east end thereof, and thence to the Neches River; provided it is not intended hereby to grant to said Railway company the right to occupy both that part of Bowie Street described in paragraph six above, and also that part of Fannin Street described in this paragraph, and the said railway company is required to elect between said streets at said points, and file in the office of the Secretary of this city within ten months after the final passage of this ordinance and before laying its tracks on either street between the points mentioned, an instrument signifying which of the two said streets at said points, it elects to occupy and

thereupon the right of way over the street not so designated shall be deemed abandoned.

10. For one track along the alley intersecting blocks forty-seven (47), forty-six (46), forty-five (45) of the Van Wormer Addition beginning at or near the west boundary line of Avenue C opposite and west of said alley, crossing Avenue B and Avenue A, to the west boundary line of Bibb Avenue.

11. With the right to cross and intersect all alleys, streets, avenues and highways over which the rights of way above described are granted.

Section 2. That no switching or making up or dividing trains shall be done on east Bowie Street or Fannin street between Orleans and Main Streets.

Section 3. The obligation is hereby imposed upon said Railway company from time to time as required by the city council to surface any and all tracks, laid on any of the streets, alleys, avenues or public highways, the right of way which is hereby granted, to the grade level of the street with sand, crushed rock, shell, brick or other suitable material, as the city council may direct; and in the event that at any time the city may undertake to construct public sewers underground, intersecting any such track or tracks, the railway company shall be bound to pay for so much of said sewerage as unlies such track or tracks intersected by such public sewer and the railway company likewise shall be liable to construct, build and maintain such ditches and culverts as may be directed by the city council. The portions of such streets, alleys, avenues or public highways occupied by said Railway Company, and in respect to which the foregoing obligations and all other obligations are hereby imposed, shall be deemed to mean all that portion of the street between the rails of said tracks, and extending twelve (12) inches beyond the outer edge of the rails of such tracks, and the space between double tracks, and between main tracks, and side tracks and turnouts.

Sec. 4 The right of way for the tracks above de-

scribed is intended to mean and be limited to the right of way for a single track except where right of way is granted for double tracks. Single tracks shall be laid as nearly as practicable to the center of the street and double tracks shall be constructed as nearly as practicable on 15 ft. center equidistant from the center of the street; provided, it is not hereby intended to prohibit the approaching, crossing or departure of tracks on any of said streets, alleys, avenues or highways on necessary curvatures, but so soon as said tracks attain the point of tangency thereafter, such tracks on tangents shall be constructed as nearly as practicable to the center of the street.

Sec. 5. The said railway company, its successors or assigns shall take the rights and franchises herein granted, subject to the provisions of the present charter of the city of Beaumont, and of any amendment which may hereafter be made thereto, and subject to the ordinances of said city now in force or which may hereafter be adopted; provided, that upon and after the construction of said railroad, its rights, franchises and privileges derived from this ordinance shall be irrevocable for a period of fifty years from the final passage of this ordinance for which length of time said rights, franchises and privileges are hereby granted; and provided further that in the event the city of Beaumont shall decide at any time to pave, repair or improve said streets, alleys, avenues or highways over which the right of way above described has been granted or any of them, the said railway company, its successors or assigns, shall be required to pave, repair or improve only so much of said street as is occupied by the track of the railway company as that space is hereinafter described.

Sec. 6. The rights, authorities and privileges hereby ordained and granted to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns shall subsist and be vested in the Beaumont, Sour Lake and Western Railway Company, its successors and assigns for a period of fifty years from the date of its final passage by the council.

Sec. 7. The rights, franchises and privileges hereby granted to the said Railway Company are subject to the following conditions, only:

1. That the said Railway Company, its successors, or assigns, shall construct its said railroad tracks over and along the streets, alleys, avenues, and highways, the right of way over which is hereby granted, within a period of one year from the final passage of this ordinance, and in respect to any street, alley, avenue or public highway the right of way over which is hereby granted upon and over which the railway company shall not construct its said track within said period of one year from the date of the final passage of this ordinance, it shall be deemed that said right of way has been abandoned; provided, that the said period of one year hereby afforded to the Railway Company for the construction of its tracks along, upon, over or across any of said streets, alleys, avenues or public highways, shall not include and shall be additional to any period of time during the course of which the right of said railway company to occupy or construct its railroad on said street shall be hindered or prevented or interrupted by litigation in respect thereto.

2. That the Beaumont, Sour Lake and Western Railway Company shall within thirty days after the final passage of this ordinance, file with the Secretary of the City of Beaumont an instrument in writing accepting the benefits of this ordinance upon and subject to the terms thereof.

Sec. 8. The provisions of this ordinance shall take effect and be in force subject to the conditions thereof from and after its final passage. Approved Feb. 1st, 1906.

BIBB AVENUE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont, Sour Lake and Western Railway Company in its own right and in the right of its

successors and assigns, is hereby granted the right and authority to construct, own, maintain and operate, a railroad track over, along, upon and across the following public streets or highways within the corporate limits of the City of Beaumont, as follows, to-wit:

1. Across Bibb Avenue and across Fannin street at the intersection thereof immediately adjoining and almost parallel to the north boundary line of the yards of the Texarkana and Fort Smith Railway Company, and if necessary across Rachford Street and Forsythe Street immediately north of and adjoining the north boundary line of said yards of the Texarkana & Ft. Smith Railway Company.

2. Beginning at or near the northwest corner, at the intersection of Wall Street with Railroad Avenue and thence on a right curve crossing Wall Street in a southeasterly direction along Railroad Avene to a connection with the track of the Texarkana & Ft. Smith Railway Company, at or near the center of Railroad Avenue between Block 7 and 8 of the Van Wormer Addition, a distance of about two hundred (200) feet. It being the intention for this grant to authorize the Beaumont, Sour Lake and Western Railway Company to construct a track from Block 58 of the Van Wormer Addition to and across the streets above mentioned along and adjoining the north boundary line of said Texarkana & Ft. Smith Railway Company yards to the point where said track enters into said yards at the southeast end of same passing thence to a connection with the tracks of said Texarkana & Ft. Smith Railway Company, at or near the center of Railroad Avenue as above indicated.

Sec. 2. That if the construction of said railroad track in anywise interferes with catch basins or drains at the northeast corner of said Block 7, the latter shall be reconstructed or readjusted at said point or contiguous thereto in a manner as efficient and serviceable as heretofore to the satisfaction of the City Engineer at the sole cost and expense of said railway company.

Sec. 3. The rights and privileges above granted to

the railway company are subject to all the liabilities and obligations imposed upon the railway company by the provisions of Sections 3, 4, 5, 6 and 7 of the original ordinance in favor of the Beaumont, Sour Lake and Western Railway Company above referred to, approved February 1st, 1906.

Sec. 4. The provisions of this ordinance shall take effect and be in force subject to the conditions thereof from and after its final passage. Dec. 14, 1906.

AN ORDINANCE.

Whereby the city council of the city of Beaumont, grants to the Beaumont, Sour Lake and Western Railway Company, its successors and asigns, the right to construct and operate a railroad track connecting with its existing track which is constructed along the alley which intersects Blocks Nos. fifty-six (56), and fifty-seven (57), of the Van Wormer Addition to the City of Beaumont at about opposite the west boundary lines of lots Nos. one (1) and twelve (12) of said block No. fifty-seven (57) of said addition, and which shall be constructed, thence in an easterly direction along said alley and across Rachford Avenue to the point where same will intersect Lot No. seven (7), block No. fifty-six (56), near its northwest corner a distance of about one hundred and twenty-five feet, and imposes certain conditions in respect thereto.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont, Sour Lake and Western Railway Company, its successors and assigns, is hereby granted the right of way for and the authority to construct, own, maintain and operate a railroad track which will spring from the track which it now owns, laid along the center of the alley which intersects Blocks Nos. fifty-six and fifty-seven (56 and 57) of the Van Wormer Addition to the City of Beaumont at about opposite the west boundary lines of lots Nos. one (1) and twelve (12) of

said Block No. fifty-seven (57) of said addition and which will be constructed thence in an easterly direction along said alley and across Rachford Avenue to the point where same will intersect Lot No. seven (7), Block No. fifty-six (56) near its northwest corner a distance of about one hundred and twenty-five (125) feet.

Sec. 2. This grant is made subpect to the same terms and conditions imposed upon the Beaumont, Sour Lake and Western Railway by the city council of the City of Beaumont in an ordinance granting the Beaumont, Sour Lake and Western Railway Company the right to lay its tracks and operate its roadbed over, along, upon and across certain public streets, alleys, avenues and highways within the corporate limits of the City of Beaumont, approved Feb. 1st, 1906, recorded in the Record of Ordinances of the City of Beaumont, Texas, Book No. 1, pages 359 to 369 inclusive, to which reference is hereby made.

Sec. 3. The provisions of this ordinance shall take effect and be in force subject to the conditions thereof from and after its final passage. Approved March 18th, 1908.

ACCEPTANCE.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, heretofore on March 17th, 1908, the city council of the city of Beaumont passed an ordinance entitled: An ordinance whereby the city council of the city of Beaumont, grants to the Beaumont, Sour Lake and Western Railway Company. its successors and assigns, the right to construct and operate a railroad track connecting with its existing track which is constructed along the alley which intersects Blocks Nos. fifty-six (56) and fifty-seven (57) of the Van Wormer Addition to the City of Beaumont at about opposite the west boundary lines of lots Nos. one (1) and twelve (12) of said Block No. fifty-seven (57) of said addition and which will be constructed thence in an easterly direction along said alley and across Rachford Avenue to the point where same

will intersect Lot No. seven (7), block fifty-six (56) near its northwest corner, a distance of about one hundred and twenty-five (125) feet, and imposes certain conditions in respect thereto.

Now, therefore, inconsideration of the circumstances, the Beaumont, Sour Lake and Western Railway Company does hereby accept the benefits of said ordinance upon and subject to the terms thereof.

In testimony whereof the Beaumont, Sour Lake and Western Railway Company has caused this instrument to be executed by its Vice President and General Manager this 21st day of March, 1908.

The Beaumont, Sour Lake & Western Railway Company,
By J. H. Elliott,
Vice Pres. & Gen. Mgr.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, the city council of the city of Beaumont in the county of Jefferson, State of Texas, has heretofore to-wit, on January 16th, 1906 passed, ordained and enacted a certain ordinance, the same being entitled:

"AN ORDINANCE"

Whereby the city council of the city of Beaumont grants to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns, the right to lay its railroad tracks and operate its railroad over, along and upon and across certain public streets, alleys, avenues and highways within the corporate limits of the city of Beaumont, and imposes certain conditions in respect thereto.

Now, therefore, in consideration of the premises and of the terms and stipulations of said ordinance, the Beaumont, Sour Lake and Western Railway Company does hereby accept the benefits of the aforesaid ordinance upon and subject to the terms therefor.

In testimony whereof witness the signature of the

Beaumont, Sour Lake and Western Railway Company, by its president, attested by its secretary with the corporate seal attached, this, the 17th day of Jan. 1906.
The Beaumont, Sour Lake & Western Railway Company,
By R. C. Duff, Pres.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, heretofore, prior to February 1st, 1906, the city council of the City of Beaumont, Texas, passed an ordinance entitled "An ordinance whereby the city council of the city of Beaumont, grants to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns, the right to lay its railroad tracks and operate its railroad over, along and upon and across certain public streets, alleys, avenues and highways within the corporate limits of the City of Beaumont, and imposes certain conditions in respect thereto" which certain ordinance was approved by the Mayor of the city of Beaumont, Februrary 1st, 1906, and

Whereas, among other rights of way granted by said ordinance, were those certain streets and parts of streets described in paragraphs 6 and 9 of section one, of said ordinance, and,

Whereas, it was declared that it was not intended by said ordinance to grant to this company the right to occupy both that part of Bowie Street described in said paragraph 6 and also the part of Fannin Street described in paragraph 9 and this company was required to elect between said streets at said points, and to file in the office of the city secretary, within ten months, and before laying its track on either street between the points mentioned, an instrument signifying which of the two said streets at said points it elects to occupy:

Now, therefore, in conformity with the terms and provisions of said ordinance, the Beaumont, Sour Lake and Western Railway Company hereby elects to occupy under the terms of said ordinance, that portion of Bowie street described in said paragraph 6 of section one, of

said orinance, for a more particular description of which reference is hereby made to the original ordinance recorded in the record of ordinance of the City of Beaumont, Book No. 1, pages 359 to 369 inclusive.

The Beaumont, Sour Lake and Western Railway Company further states than since the passage of said ordinance, and down to the present time, the right of the railroad company to occupy or construct its railroad on said portion of Bowie street described in said paragraph 6, section one of said ordinance, has been hindered and prevented by litigation in respect thereto, pending in United States Circuit Court at Houston, Texas, entitled "Maryland Trust Company, et al vs. Houston Oil Company, et al., in which said suit is being contested by divers persons the right of this company to occupy or construct its railroad on said street.

In testimony whereof, the Beaumont, Sour Lake and Western Railway Company has caused this instrument to be executed, in its name, by its president, attested by its secretary with corporate seal this 17th day of November, 1906.

The Beaumont, Sour Lake & Western Railway Company,
Attest: By H. M. Hood, (Seal) By R. C. Duff,
Its Secretary. Its President.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, heretofore the city council of the city of Beaumont, Texas, has passed, enacted and adopted an ordinance, the same being entitled "An ordinance whereby the city council of the City of Beaumont, grants to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns, the right to lay its railroad tracks and operate its railroad across Bibb Avenue and across Fannin Street at the intersection thereof, and if necessary across Rachford Street and Forsythe Street, and over, along and upon a part of Railroad Avenue and across Wall street in the city of Beaumont and to make

connections with the track of the Texarkana & Ft. Smith Railway Company on Railroad Avenue, and imposing certain conditions in respect thereto.

Which was approved by the Honorable E. A. Fletcher, Mayor of the City of Beaumont, Texas, December 4th, 1906.

Therefore the Beaumont, Sour Lake and Western Railway Company does hereby accept the right, privileges and franchises granted and conveyed to it by terms of said ordinance upon and subject to the terms and conditions of the same.

In testimony whereof the Beaumont, Sour Lake and Western Railway Company has caused the instrument to be executed by its president, attested by its secretary, with the corporate seal affixed this 20th day of December, 1906.

The Beaumont, Sour Lake & Western Railway Company,
Attest: H. M. Hood, Secretary. (Seal) By R. C. Duff, President.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, heretofore on March 17th, 1908, the city council of the city of Beaumont passed an ordinance entitled "An ordinance whereby the city council of the city of Beaumont grants to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns the right to construct and operate a railroad track connecting with its existing track, which is constructed along the alley which intersects blocks Nos. fifty-six (56) and fifty-seven (57) of the Van Wormer Addition to the city of Beaumont at about opposite the west boundary lines of Lots Nos. one (1) and twelve (12) of said Block No. fifty-seven (57) of said addition and which will be constructed thence in an eastwardly direction along said alley and across Rachford Avenue to the point where same will intersect Lot No. seven (7) Block fifty-six (56)

near its northwest corner, a distance of about one hundred and twenty-five (125) feet and imposes certain conditions in respect thereto.

Now, therefore, in consideration of the circumstances, the Beaumont, Sour Lake and Western Railway Company does hereby accept the benefits of said ordinance upon and subject to the terms thereof.

In testimony whereof the Beaumont, Sour Lake and Western Railway Company has caused this instrument to be executed by its vice president and general manager this, the 21st day of March, 1908.

The Beaumont, Sour Lake & Western Railway Company,
By J. H. Elliott,
Vice Pres. & General Mgr.

CHAPTER III.

GULF, COLORADO & SANTA FE RAILWAY COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texarkana & Ft. Smith Railway Company, and the Gulf, Colorado & Santa Fe Railway Company, jointly, their successors and assigns are hereby granted the right of way for and the authority to construct, own, maintain and operate a railroad track, which shall begin and will spring from the west side of the track on Railroad Avenue about 100 feet south of the intersection of Railroad Avenue with Forsythe Street; thence northward on the west side of the track on Railroad Avenue across Forsythe street to Lot 12 in Block 67; thence northward on said Lot 12 across the alley between Fannin and Forsythe streets to Lot 1 in said block; thence northward on said lot and across Fannin Street to Lot 12 in Block 56; thence northward on said lot across the alley between Fannin and Bowie streets to Lot 1 in Block 56; thence northward on said lot and across west Bowie to Lot 11 in Block 55 in Van Wormer Addition to the city of Beaumont, as shown by the map hereto attached, marked Exhibit "A" and made a part of this ordinance, and where said track will make connection with a certain branch line of the Gulf, Colorado and Santa Fe Railway Company leading from said track on Railroad Avenue northward by this point.

Sec. 2. This grant is made subject to the same terms and conditions imposed upon the said Texarkana & Fort Smith Railway Company, by the city council of the city of Beaumont, in ordinances granting each of said companies the right to lay their respective tracks, and operate their respective railroads over, along, upon and across certain public streets, alleys, avenues and highways within the corporate limits of the city of Beaumont and also subject to the provisions of the charter regulating

the construction, maintenance and operation of railroad tracks within the corporate limits of the said city.

Sec. 3. The rights herein granted to the Texarkana & Ft. Smith Railway Company and the Gulf, Colorado & Santa Fe Railway Company, their successors and assigns, are granted for a period of thirty (30) years from the date of the passage of this ordinance.

Sec. 4. The grantees herein agree and bind themselves to do and perform the following in addition to what has been herein provided, to-wit:

(a) To restore said above mentioned streets to such condition as they may be directed to do so by the Street and Bridge Committee and the city engineer, of the city of Beaumont.

(b) To construct, build and maintain such drains across said streets and under said railroad tracks from time to time as may be required by the city engineer of said city.

(c) Upon being notified by the mayor of the City of Beaumont to conform the tracks to the street level, to repair the tracks, or to repair that part of the street upon which the said track is laid, to immediately comply with said notice, and failing to begin work bona fide within ten (10) days after the receipt of such notice by the Mayor as aforesaid, the privileges herein granted shall be forfeited, and the city of Beaumont shall have the right to remove or cause to be removed, the said track without any action in court, and without liability for such action on the part of the city.

Sec. 5. Provided that no switch block shall be placed in front of the gate of the abutting property owner.

Sec. 6. The provisions of this ordinance shall take effect and be in force subject to the conditions thereof, from and after its final passage and approval of the Mayor. Approved this 21st day of March, A. D. 1908.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Gulf, Colorado and Santa Fe Rail-

way Company is hereby authorized to use and occupy, for the purpose hereinafter stated, all that small part of Trinity Street which lies between Blocks 18 and 19 of the Van Wormer Addition to the city of Beaumont, Texas, and which lies south of the south boundary line of Crockett Street. The purpose for which this grant is made is to enable said, The Gulf, Colorado and Santa Fe Railway Company to construct a platform of concrete, macadam, brick, shell or crushed stone thereon; the same to extend to the north line of the sidewalk opposite the premises mentioned on the south side of Crockett Street; and to construct south of such platform and adjacent thereto, a substantial roofed platform for the receipt and delivery of freight to and from the shipping public. The improvements hereby authorized and contemplated to be made on said premises by the Gulf, Colorado and Santa Fe Railway Company under this grant are indicated on a blue print hereto attached, marked Exhibit "A" and made a part hereof.

Sec. 2. The Gulf, Colorado and Santa Fe Railway Company is authorized to erect such other structures and otherwise to improve said premises from time to time as may be necessary to enable it to conduct its business with the shipping public at said point in the most efficient manner.

Sec. 3. This grant shall become effective on the final passage thereof and shall endure and continue for such period of time for such purposes until the city of Beaumont shall open the said Trinity Street southward across the railroad tracks and across what is known as the Lumber Yards of the Kirby Lumber Company, and also through the adjacent property thereto, connecting North Trinity Street with South Trinity Street. And this grant shall also extend to the corporate successors and assigns, if any, of the Gulf, Colorado & Santa Fe Railway Company.

But this privilege, grant and right to use said portion of Trinity Street for said purposes shall terminate when the said street is opened by the City of Beaumont

southward, as above set forth, and notice is served by the City of Beaumont, upon said company or its successors to vacate said street and remove the improvements placed thereon.

Sec. 4. The foregoing grant is made upon and subject to the following terms and conditions:

(a) That the Gulf, Colorado and Santa Fe Railway Company shall within twenty (20) days after the passage of this ordinance file in the office of the city secretary of the city of Beaumont an instrument accepting the same and agreeing to abide by the conditions of same.

(b) That the Gulf, Colorado and Santa Fe Railway Company shall construct and maintain its said improvements on said premises in a safe, substantial and sightly manner and so as to render same efficient for the transaction of its business with the public at said point.

(c) That said Gulf, Colorado and Santa Fe Railway Company hereby agrees, obligates and binds itself, to remove all buildings and obstructions from and vacate said portion of Trinity Street whenever the city of Beaumont shall open said street southward to connect with south Trinity Street, and serve notice upon said company to remove its buildings and all obstructions from said portion of said Trinity Street. And will promptly comply with said notice within sixty (60) days after receipt of same.

(d) The said Railway Company for itself and its successors further agrees to pave all that portion of Trinity Street, with paving brick, occupied by their said improvements and extend said pavement northward to the south line of Crockett Street.

(e) This grant is made subject to the Charter and all existing ordinances of the city of Beaumont together with any amendments thereto hereafter enacted by the Legislature of the State of Texas, or by the city council of the city of Beaumont. Passed on the 4th day of November, A. D., 1908.

CHAPTER IV.

GULF, BEAUMONT & KANSAS CITY RAILWAY COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

This day in regular session assembled, that the Gulf, Beaumont and Kansas City Railway Company be, and it is hereby authorized to construct and maintain, a switch from its yards on and opposite block 18 in the City of Beaumont running west and crossing Neches Street at a point opposite to ten feet of ground taken off the south end of three lots now owned by W. W. Wilson on the northwest corner of block 17, being lots 4, 5 and 6, so that the said switch may be extended east on a ten foot right of way on such right of way as may be required to be taken off the south end of said lots 4, 5 and 6, of Block 17.

2. That in constructing the said switch, it shall be the duty of the said Railway company to construct and hereafter maintain, the same at a fair grade level with Neches Street and to keep the said street to a distance of two feet on each side of the said railroad's track, as well as between the rails, in a good condition of repair.

3. The fact that the switch facilities of said railroad for the service of the public are inadequate, create a necessity and an imperative public necessity exists that the rule regulating the reading of this ordinance on three several days be and the same is hereby suspended and this ordinance shall become and be effective from and after its passage. Approved March 15th, 1902.

CHAPTER V.

GULF AND INTERSTATE RAILWAY COMPANY.

AN ORDINANCE.

Confirming and granting to the Gulf and Interstate Railway Company of Texas, the right to use and cross certain streets in the City of Beaumont:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT IN REGULAR SESSION ASSEMBLED:

Sec. 1. The right to the use and occupation of the Gulf and Interstate Railway Company of Texas in and along Bonham Street where the track of said railway is now built in said street is hereby confirmed and granted, as is also the right to use and occupy the forty foot street lying between the Texas Tram and Lumber Company's planer and fractional blocks eighteen, nineteen, twenty, twenty-one, twenty-two of the Van Wormer Addition to the City of Beaumont where said track is now constructed and built.

Sec. 2. It is further ordained that said Railway company is hereby granted the right to construct its tracks across Avenue A between Blocks 52 and 53 and across Avenue B between Blocks 46 and 47, and across Bibb Avenue between blocks 44 and 45 and 53 and 54, and across Rachford Avenue between blocks 43 and 44 and 54 and 55, and across Crockett Street between blocks 44 and 55, and 46 and 52, and across Bowie Street between blocks 55 and 56, and across Fannin Street between blocks 56 and 67, all of which blocks are in the Van Wormer Addition to the City of Beaumont.

Provided, however, that said railway company shall put in at its own expense first-class street crossings at each of said street crossings above mentioned and shall maintain the same at its own expense.

Provided, further, that it shall make and maintain all proper, suitable and sufficient culverts wherever

needed on said streets for drainage under its tracks, and maintain the same at its own expense.

Provided further, that said railway company is only granted the right to cross said streets opposite to the property that it now owns by recent purchase from S. H. Van Wormer and Geo. B. McHugh, part of which the said McHugh purchased from Ed Van Wormer, and Mrs. Sibbie Holmes and her husband, John Holmes.

It is further ordained that said railway company has the right to construct its tracks across the alley-ways through blocks 44, 55, 56 and 67 under the conditions contained in the three above provisions.

Sec. 3. Be it further ordained, that said railway company shall have the right to construct its tracks far enough into Railroad Avenue from where it leaves Block 56 and where it intersects Railroad Avenue to its junction with the Texarkana and Fort Smith Railway company's track.

The rights herein granted are shown by a map hereto attached, and the property purchased is marked with a cross in red ink. Approved April 7, 1899.

CHAPTER VI.

TEXARKANA & FORT SMITH RAILWAY COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texarkana & Ft. Smith Railway Company be and are hereby authorized to construct and maintain one single standard gauge railroad track, and to operate its cars thereon, for the purpose of transporting freight and passengers and for such other purpose as it may lawfully do as a common carrier on, over and along Railroad Avenue.

Sec. 2. That said Railway company shall be required, at its own expense, to construct and maintain suitable ditches and culverts for the purpose of properly draining said Railroad Avenue, and to construct and maintain good and sufficient crossings at the intersection of all cross streets with easy approaches thereto, so as to keep said street and crossing in such a condition as not to interfere with public traffic and travel thereon.

Sec. 3. That said Railway company shall be further required to construct and maintain said railroad track at the same grade or level as the established grade or level of said avenue so as not to in any wise obstruct the use of the same by the public, and shall also, within a reasonable time, not exceeding one year after the construction of said railroad track, ballast said railroad track between the rails and to a distance of two feet on either side thereof with rock, gravel, shells, cinders, sand and other suitable material in such a manner that said tracks may be on a level with the grade of the streets.

Sec. 4. That the foregoing right and privilege is hereby granted to said Railway company upon the express condition that said railway company, through its proper officer or officers, shall within thirty days after the approval of this ordinance, file with the city clerk its written acceptance of this ordinance; and upon fur-

ther condition that the railroad to be constructed thereon shall be complete upon and along said Railroad Avenue within eight months from the passage of this ordinance, and that said Texarkana & Fort Smith Railway Company, shall locate, establish and maintain both its freight and passenger depots for their Beaumont station within the present corporate limits of said city, and upon the failure or refusal of said company to comply with the above conditions, then in that case, they forfeit the rights, privileges, use and possession of said Railroad Avenue, the same shall immediately revert back to the City of Beaumont, and this ordinance shall be and become null and void.

(January 29, 1896.)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texarkana & Ft. Smith Railway Company, be and is hereby authorized to construct and maintain one single standard gauge railroad track, and necessary turnouts and switches, and to operate its cars thereon for the purpose of transporting freight and passengers, and for such other purposes as it may lawfully do as a common carrier on, over and along Washington Street, also the right to cross Holmes Avenue near its intersection with Washington Street; also the right to cross College street and Milam street near their intersection with Railroad Avene.

Sec. 2. That said Railroad company shall be reqired, at its own expense, to construct and maintain suitable ditches and culverts for the purpose of properly draining said Washington Street, and to construct and maintain good and sufficient crossings at the intersection of all cross streets, with easy approaches thereto, so as to keep said street and crossings in such a condition as not to interfere with public travel and traffic thereon.

Sec. 3. That the said Railway company shall be further required to construct and maintain said railroad track at the same grade or level as the established grade

or level of said street, so as not to in any wise obstruct the use of the same by the public, and shall also within a reasonable time, not exceeding one year after the construction of said railroad track, ballast said railroad track between the rails and to a distance of two feet on either side thereof with rock, gravel, shells, cinders, sand or other suitable material in such a manner that said tracks may be on a level with the grade of the streets.

Sec. 4. That the foregoing right and privilege is hereby granted to said Railway company upon the express condition that said railway company, through its proper officer, or officers, shall within thirty days after the approval of this ordinance, file with the city clerk its written acceptance of this ordinance, and upon further condition that the railroad to be constructed thereon shall be completed upon and along the said Washington street within eight months from the passage of this ordinance, and that the said Texarkana and Fort Smith Railway company shall locate, establish and maintain both its freight and passenger depots for the Beaumont station within the present corporate limits of the said city; and upon failure or refusal of said company to comply with the above conditions, then in that case, they forfeit the rights, privileges, use and possession of said Washington Street; the same shall immeidately revert back to the city of Beaumont, and this ordinance shall be, and become null and void. (February 18th, 1896.)

WASHINGTON STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the Texarkana & Ft. Smith Railway company is granted the right and privilege to construct, own and operate a spur track along Washington Street beginning at or east of a point on the east line of Main Street by the side of Block 3; thence in an easterly direction along said Washington Street to the terminus thereof. Approved May, 1900.

HOLMES AVENUE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. The right to lay three side tracks, spurs and switches from the east leg of the "Y" which crosses block 2 of the Van Wormer Addition, across Holmes Avenue at any point between Milam and Washington Streets to connect with the freight, and for loading and unloading purposes; it is hereby granted to the Texarkana & Ft. Smith Railroad Company.

Sec. 2. Any side-tracks, spurs or switches so built or constructed across Holmes Avenue, between Milam and Washington Street, under Section 1 hereof, shall be built on the grade of Holmes Avenue, which grade shall be furnished by the city engineer, and said sidetracks, spurs and switches shall be built and constructed under the immediate supervision of the city engineer, and shall be permanently maintained at such grade.

Sec. 3. Such side-tracks, spurs or switches so constructed across Holmes Avenue as above provided, shall be filled in betwen the tracks between said Railway company with gravel, cinders, sand or plank which shall, at all times be maintained at the level of the top of the rails so that travel with wagons and vehicles of all kinds shall not be interfered with; and in addition, said Railroad company shall maintain approaches to said tracks on each side, which approaches and filling shall be approved by the said city engineer.

Sec. 4. This ordinance shall take effect and be in force from and after its passage. Approved Dec. 4th, 1901.

WALL STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. The right to lay additional side-tracks, spurs or switches for the connection of the yards and main

line of the Texarkana and Fort Smith Railway company across Wall Street between Railroad Avenue and Rachford Avenue, is hereby granted to the Texarkana and Fort Smith Railway Company.

Sec. 2. Any side-tracks, spurs or switch built or constructed across Wall street at or near its intersection with Railroad avenue under Section 1 hereof, shall be built on the grade of Wall street which grade shall be furnished by the city engineer, and shall be permanently maintained at such grade and said side-tracks, spurs and switches, shall be built and constructed under the immediate supervision of the city engineer.

Sec. 3. Said tracks shall in no event, be higher than the grade of said street furnished by said city engineer and shall be filled in between the tracks by the said railway company with gravel, cinders, sand or plank for the full width of the street and switch stand taken from street and maintained at all times to the level of the top rails so that the travel of all wagons, buggies and vehicles of all kinds, shall not be interfered with; and said railway company shall maintain such tracks in such condition perpetually and in addition to the above, said railway company shall for a space of ten feet on each side of the outer track, make and maintain an approach to said crossings and shall maintain same perpetually.

Sec. 4. The plans of said crossings, filling in and approaches, shall be submitted to and approved by the said city engineer.

Sec. 5. This ordinance shall take effect and be in force, from and after its passage. May 7th, 1902.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texarkana & Ft. Smith Railway company, and the Gulf, Colorado and Santa Fe Railway company, jointly, their successors and assigns are hereby granted the right of way for and the authority to construct, own, and maintain and operate a railroad track,

which shall begin and will spring from the west side of the track on Railroad Avenue about 100 feet south of the intersection of Railroad Avenue with Forsythe Street; thence northward on the west side of the track on Railroad Avenue across Forsythe Street to Lot 12 in Block 67; thence northward on said lot 12 across the alley between Fannin and Forsythe street to Lot 1 in said block; thence northward on said lot and across Fannin Street to Lot 12 in Block 56; thence northward on said lot across the alley between Fannin and Bowie streets to Lot 1 in Block 56; thence northward on said lot and across West Bowie Street to Lot 11 in Block 55 in Van Wormer Addition to the city of Beaumont, as shown by the map hereto attached, marked "Exhibit A" and made a part of this ordinance, and where said track will make connection with a certain branch line of the Gluf, Colorado and Santa Fe Railway company leading from said track on Railroad Avenue northward by this point.

Sec. 2. This grant is made subject to the same terms and conditions imposed upon the said Texarkana & Ft. Smith Railway company, and the said Gulf, Colorado & Santa Fe Railway company by the city council of the City of Beaumont, in ordinances granting each of said companies the right to lay their respective tracks and operate their respective railroads over, along, upon and across certain public streets, alleys, avenues, and highways within the corporate limits of the city of Beaumont and also subject to the provisions of the charter regulating the construction, maintenance and operation of railroad tracks within the corporate limits of the said city.

Sec. 3. The rights herein granted to the Texarkana & Ft. Smith Railway company and the Gulf, Colorado and Santa Fe Railway company, their successors and assigns, are granted for a period of thirty (30) years from the date of the passage of this ordinance.

Sec. 4. The grantees herein agree and bind themselves to do and perform the following in addition to what has been herein provided, to-wit:

(a) To restore said above mentioned streets to such condition as they may be directed to do so by the Street and Bridge committee and the city engineer, of the City of Beaumont.

(b) To construct, build and maintain such drains across said streets and under said railroad tracks from time to time as may be required by the city engineer of said city.

(c) Upon being notified by the mayor of the City of Beaumont to conform the tracks to the street level, to repair the tracks, or to repair that part of the street upon which the said track is laid, to immediately comply with said notice, and failing to begin work bona fide within ten (10) days after the receipt of such notice by the Mayor as aforesaid, the privileges herein granted shall be forfeited, and the city of Beaumont shall have the right to remove, or cause to be removed, the said track without any action in any court, and without liability for such action on the part of the city.

Sec. 5. Provided that no switch blocks shall be placed in front of the gate of the abutting property owner.

Sec. 6. The provisions of this ordinance shall take effect and be in force, subject to the conditions thereof, from and after its final passage and approval by the Mayor. Approved this 21st day of March, A. D. 1908.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texarkana & Ft. Smith Railway Company, its successors and assigns is hereby granted the right and privileges to lay, maintain and operate a certain standard gauge railroad track, to spring from the main line of the Texarkana & Ft. Smith Railway company's track in Washington Street in Beaumont, Texas, at a point far enough east of the east line of Market Street to enter the southeast corner of Market Square, so as to clear the sidewalk on the south line of said Mar-

ket Square; thence westerly parallel with the south line of said Markef Square in Block 4 and across Main street in the city of Beaumont, as indicated by a solid red line on map hereto attached, and marked Exhibit "B" and made a part hereof.

Sec. 2. Said track shall be placed at a grade with the streets upon which it is constructed and shall be constructed and maintained in such a manner as not to interere with the free use of said streets by the public.

Sec. 3. The space between the rails of said track and for a distance of eighteen (18) inches on either side of said track shall be filled with gravel, cinders, sand, or planks as they may be required by the city engineer of Beaumont so as to bring said tracks with a level of said streets.

Sec. 4. Should the city council of the city of Beaumont at any time in the future order that the said street and Market Square shall be paved, then in that event the said Texarkana and Ft. Smith Railway company shall pay the cost of grading, paving and repairing the portion of said Market square and streets so occupied by said track and the portion of Market Square and the streets so occupied by said tracks shall be deemed to mean that portion of the same beyond the rails of the track so laid and extending eighteen (18) inches beyond the outer edge of the ties of said track; and shall do and perform all things required by the charter and ordinances of the city of Beaumont.

Sec. 5. The said Texarkana and Ft. Smith Railway company shall hereafter hold the city of Beaumont harmless in any suits or claims of any nature growing out of the construction and maintenance or operation of said switch track.

Sec. 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 7. This ordinance shall take effect and be in full force from and after its passage by the city council,

and acceptance of the said railway company. Approved Aug. 5th, 1909.

Beaumont, Texas, Feb. 18, 1896.

Whereas, the city council of the City of Beaumont did, on the 29th day of January, A. D., 1896, pass an ordinance granting the Texarkana & Fort Smith Railway Company the right of way over and along and through Railway Avenue, with certain restrictions, duties and obligations on the part of said Railway company, and requiring in said ordinance a written acceptance thereof by said Railway company, now therefore said Railway company does hereby accept said right of way under and by the terms, provisions and conditions of said ordinance; and

Whereas, said city, by an ordinance passed by its council, did on the 18th day of February, 1896, grant the right of way, to said company over, along and down Washington street in said city, and also the right to cross Milam, College and Holmes Streets near their intersection with Railroad Avenue, with certain restrictions, duties and obligations in said ordinance specified, and also requiring a written acceptance thereof by said Railway company.

Now, therefore, the said railway company does hereby accept the right of way under said ordinance with all its terms and provisions.

Texarkana & Ft. Smith Ry. Co.,
By F. S. Hammond.

Now comes the Texarkana & Fort Smith Railway Company and formally accepts the ordinance entitled "An ordinance granting to the Texarkana & Ft. Smith Railway company the right and privilege to lay, maintain and operate a switch track or sidetrack on, along and across Washington Street in Block 4, and across Main street in the city of Beaumont, the course or location of said track being more fully described in context of the ordinance herein following: "duly adopted and passed by the city council of Beaumont on the 4th day of August, 1909, and approved by the Mayor of said city on

the fifth day of August, 1909, and said Texarkana and Ft. Smith Railway company hereby accepts and agrees to be bound by the terms of said ordinance.

Texarkana & Ft. Smith Railway Co.

Attest: R. J. McCarthy, Asst. Secy.

By J. A. Edson, Its President.

CHAPTER VII.

BEAUMONT WHARF AND TERMINAL COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the Beaumont Wharf & Terminal Company, its successors and assigns for benefits and other good and valid considerations to our city, received and to be hereafter received from the said Beaumont Wharf & Terminal Company, through the construction, and operation of its belt line railroad in and about our said city, as hereinafter set forth, shall be, and is hereby granted, given and made unto for the aforesaid considerations, the privilege, right and joint use of the following described streets, alleys and public property, named and unnamed, for the purpose of constructing there, through and thereupon, its aforesaid terminal railroad, to-wit:

Beginning at the west line of Magnolia Avenue and on the center line of Long Avenue; thence down the center of said Long Avenue eastward to Brake's Bayou; thence down the unnamed street along the western line of the land shown on Rachford's map of the City of Beaumont in the names of Long Manufacturing Company and the Reliance Lumber Company, southward to and across Magazine street, north of Block twenty-eight (28) on across the unnamed street east of block twenty-eight (28), across Elizabeth, the unnamed street east of fractional Block twenty-two (22), Mulberry Street, along Water Street from Mulberry Street down the river bank to the northwest line of the Texas Tram and Lumber company's property; also the center of Austin Street for a distance of three blocks from Main Street southwestward to the southwest line of Sabine Street and streets and alleys in Van Wormer's addition to the city of Beaumont, as follows: Across Milam Street near the south corner of Block No. 5, Holmes Avenue southwest of Block No. five (5), Washington Street, between blocks numbers one (1) and two (2), College Street, between blocks Nos. one (1) and eight (8), the alley in Block No.

——; Wall Street, between blocks Nos. eight (8) and twelve (12), the alley in block twelve (12), Forsythe Street, between Blocks Nos. twelve (12) and thirteen (13), and along Railroad Avenue from Wall Street to west Bowie Street parallel with and thirteen (13) feet from the Texarkana & Ft. Smith Railway Company's track, now built along the center of said Railroad Avenue. Also such parts of Main and Austin Streets as may be necessary to connect with the tracks of the Beaumont Lumber Company on a short curve and such parts of streets at the east end of Long Avenue as may be necessary to connect the tangents of the said terminal railroad with a curve to reach the saw mill of the Reliance Lumber Company, and further, any street or alley, river front or public property over which the city has a right to grant a franchise, whether same be mentioned in the above described field notes or not, which it may be necessary for the said Beaumont Wharf & Terminal Company to use in the construction of its terminal railroad under the terms of its charter by the State.

The said privilege, right and joint use, as aforesaid, irrevocable for a period of fifty years, but subject to the following conditions, to-wit:

First: The said Beaumont Wharf & Terminal Company shall cause to be prepared a map, showing the exact alignment of its road in relation to all streets, alleys or other public property as soon as the said railroad shall have been completed, which map it shall place on file with the Mayor or City Secretary of the city of Beaumont for a better description of the streets, alleys and other public property affected by this franchise.

Second. A part of the consideration of this franchise is the assurance that the railroad of the said Beaumont Wharf and Terminal Company south of the Texas and New Orleans Railroad will not be used for logging the mills of the Beaumont Lumber company or Texas Tram and Lumber company, except along and over the portion of its track along and parallel with the river as far south as the mill of the Beaumont Lumber Company,

and therefore, the same shall become effective only when the said Beaumont Wharf & Terminal Company shall have filed with the Mayor or Secretary of the city, as assurance that no logging business will be done, as aforesaid, good and sufficient contracts of guaranty thereof by the said Beaumont Lumber Company and Texas Tram and Lumber Company, which shall bind them not to accept delivery of logs from the said Beaumont Wharf & Terminal Company on the south side of the Texas and New Orleans Railroad.

Third: Said Beaumont Wharf & Terminal Company shall construct and maintain suitable ditches and culverts when necessary, under the advice of the city engineer for the purpose of properly draining the streets, alleys or other public property, occupied by its railroad hereby, and shall construct and maintain good and sufficient wagon or road crossings at the crossings of all streets, and keep the same in such condition as to interfere as little as practicable with public traffic and travel thereon.

Fourth: Said Beaumont Wharf & Terminal Company shall construct and maintain its railroad so as to keep the same at grade or level with the streets, whereever possible, so as to obstruct the use of the same by the public as little as possible, and shall also, within a reasonable time, not exceeding one year after construction of the same, ballast said railroad with sand, cinders, shell or other suitable material between the railroad to a distance of two feet on either side thereof, where the same occupies streets, alleys or other public property, so that the same is given proper level with the streets, and easy approach to or over the same for vehicles, etc.

Fifth. The said Beaumont Wharf & Terminal Company through its proper officer or officers, shall within thirty (30) days file with the City Secretary its written acceptance of this franchise, and shall occupy the premises hereby granted with its said terminal railroad, according to the terms hereof, within twelve months

from the passage of the ordinance granting the same, otherwise the same shall immediately revert back to the City of Beaumont, and therefrom become null and void and of no further force or effect.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Whereas, Heretofore on the 29th day of March, A. D. 1898, an ordinance was duly passed by the city council of the city of Beaumont and duly approved by the Mayor granting a right of way to the Beaumont Wharf & Terminal Company over certain streets, alleys and public property in the city of Beaumont, therein named, and,

Whereas, Written acceptance of said ordinance and written obligations with respect to the hauling of log trains south of the Texas & New Orleans Railroad track have been filed as required by said ordinance of the Beaumont Wharf & Terminal Company, and,

Whereas, Each and all of said conditions required by the aforesaid ordinance have been fully complied with by the Beaumont Wharf & Terminal Company to the satisfaction of the city council of the city of Beaumont. Therefore it is hereby ordained that the aforesaid ordinance granting the said right of way and franchise to said Beaumont Wharf & Terminal Company, is hereby declared to be in full force and effect. Approved April 5th, 1898.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That a certain ordinance enacted by the City Council of the City of Beaumont on the 28th day of March, A. D. 1898, and being Chapter LIV of the Revised Ordinances of 1899, and entitled "An ordinance granting Beaumont Wharf & Terminal Company right to run over certain streets" Be and the same is hereby amended, so as to read as follows: That the Beaumont Wharf & Terminal Company, its successors and assigns, for benefits and other good, valid considerations to our city, re-

ceived and to be hereafter received from the said Beaumont Wharf & Terminal Company through the construction and operation of its belt line railroad in and about our said city, as hereinafter set forth, shall be and is hereby granted, given and made unto for the aforesaid consideration, the privilege, right and joint use of the following described streets, alleys and public property, named and unnamed for the purpose of constructing their railroad line through and thereupon, to-wit: Beginning at the west line of Magnolia Avenue and on the center line of Long Avenue; thence down the center of Long Avenue eastward to Brake's Bayou; thence down the unnamed street along the west line of the land shown on Rachford's map of the city of Beaumont, in the names of Long's Manufacturing Company and the Reliance Lumber Company, southward to and across Magazine street, north of Block twenty-eight (28),, across the unnamed street east of Block 28, across Elizabeth, the unnamed street east of fractional block 22 twenty-two; Mulberry street along Water street from Mulberry street down the river bank to the northwest line of the Texas Tram and Lumber Company property; also the center of Austin street for a distance of four blocks from Main street southwestward to the end of said street and streets and alleys in Van Wormer's addition to the city of Beaumont, as follows: Across Milam street near the south corner of Block No. Five (5), Holmes Avenue southwest of Block Five (5), Washington Street, between Blocks Nos. One (1) and two (2), College Street, between blocks Nos. One (1) and eight (8); the alley in Block No. ——; Wall Street, between Blocks Nos. Eight (8) and Twelve (12), the alley in Block Twelve (12), Forsythe Street, between blocks numbers twelve (12) and thirteen (13) and along Railroad Avenue from Wall street to West Bowie Street, parallel with and thirteen (13) feet from the Texarkana & Ft. Smith Railway Company's track now built along the center of said Railroad Avenue; also such parts of Main and Austin streets as may be necessary to connect with the tracks of the Beaumont Lumber Company on a short curve and such

parts of streets at the east end of Long's Avenue as may be necessary to connect the tangents of the said terminal railroad with it to reach the saw mill of the Reliance Lumber Company and further any street or alley; river front or public property over which the ctiy has a right to grant a franchise, whether same be mentioned in the above described field notes or not which it may be necessary for the said Beaumont Wharf & Terminal Company, to use in the construction of its Terminal railroad, under the terms of its charter by the State. The said privilege, right and joint use, as aforesaid, irrevocable for a period of fifty years, but subject to the following conditions, to-wit:

First. The said Beaumont Wharf and Terminal Company shall cause to be prepared a map, showing the exact alignment of its road in relation to all street, alleys and other public property as soon as the said road shall have been completed, which it shall place on file with the Mayor or city secretary of the city of Beaumont for a better description of the streets, alleys and other public property affected by this franchise.

Second. Said Beaumont Wharf & Terminal Company shall construct and maintain suitable ditches and culverts where necessary under the advice of the city engineer for the purpose of properly draining the streets, alleys or other public property, occupied by its railroad hereby, and shall construct and maintain good and sufficient wagon road crossings at the crossings of all streets and keep the same in such condition as to interfere as little as practicable with the public traffic and travel thereon.

Third. Said Beaumont Wharf & Terminal Company shall construct and maintain its railroad so as to keep the same at grade or level with the streets whenever possible, so as to obstruct the use of same by the public as little as possible, and shall also, within a reasonable time, not exceeding one year after the construction of the same, ballast said railroad with sand, cinders, shell or other suitable material between the railroad to a distance

of two feet on either side thereof, where the same occupies streets, alleys or other public property, so that the same is given proper level with the streets and easy approaches to, or over the same for vehicles, etc.

Fourth. The said Beaumont Wharf & Terminal Company, through its proper officer or officers, shall within 60 days, file with the city secretary, its written acceptance of this franchise, and shall occupy the premises hereby granted with its said terminal railroad according to the terms hereof, within three (3) years from the 29th day of March, A. D. 1898, otherwise the same shall immediately revert back to the city of Beaumont, and therefrom shall become null and void, and of no further force or effect.

Fifth. And it is further hereby ordained that all occupancy of the streets, alleys and public property hereinbefore described by the Beaumont Wharf & Terminal Company in the use and construction of their said belt line of railway since the said 29th day of March, A. D. 1898, under the said ordinance and franchise of which this ordinance is intended to be an amendment, are hereby ratified and legalized, in so far as the city council of the city of Beaumont are empowered to do so; and it is further ordained that all laws, city ordinances or parts of laws and city ordinances relative to this franchise and in conflict with this ordinance be and the same are hereby repealed as are more particularly Sections Second and Fifth of that certain ordinance of which this is an amendment wherein and whereby the Beaumont Wharf and Terminal Company were prohibited from hauling logs along and upon its tracks south of the Texas and New Orleans Railway line, to be used by the Beaumont Lumber Company and the Texas Tram and Lumber Company, in the manufacture of lumber, as are also that portion of section five requiring said Beaumont Wharf & Terminal Company to occupy the premises therein granted within twelve months from the passage thereof.

Sixth. It is further ordained that the said Beaumont Wharf and Terminal Company, shall and hereby

have the right to deliver saw logs over their said line of railway to the saw mill to the said Beaumont Lumber Company and said Texas Tram and Lumber Company.

Seventh. It is further ordained that the contracts of guarantee made by the Beaumont Lumber Company and Texas Tram and Lumber Company bind themselves not to accept delivery of logs from the said Beaumont Wharf and Terminal Company on the south side of the Texas and New Orleans R. R. tracks, as appears in Chapter LVI, of the Revised Ordinances of 1899, be and the same is hereby cancelled, repealed and the said lumber companies are hereby released from the operation of such guarantee. Approved June 7th, 1900.

An Ordinance. Whereas on the 29th day of March, A. D. 1898, the city council of the City of Beaumont, Texas, by an ordinance duly passed, did grant to the Beaumont Wharf and Terminal Company, the right of way over certain streets and alleys in the City of Beaumont, for railroad right of way such streets and alleys being clearly named therein; and in the said ordinance it was further provided that said Railway company should have the right to use any street or alley, river front or public property over which the city has a right to grant a franchise, and whereas, the said Beaumont Wharf and Terminal Company has long since constructed its road, track and switches over and along certain streets, alleys and grounds in this city, and whereas the said ordinance granting such rights was too broad in its terms in that it granted the right of way over any and all streets and public grounds in the City of Beaumont, and said franchise should be limited by naming only such streets, alleys and public grounds as are specifically named in said ordinance and to such other streets and alleys as may have been appropriated by said Beaumont Wharf and Terminal Company, by the laying and constructing of its tracks and switches, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an ordinance passed by the city coun-

cil of the city of Beaumont, Texas, on the 29th day of March, 1898, entitled "An ordinance granting Beaumont Wharf and Terminal Company right to run over certain streets" be and the same is hereby amended by striking out after the words "saw mill of the Reliance Lumber Company" all of the following words "and further, any street or alley, river front or public property over which the city has a right to grant a franchise, whether same be mentioned in the above field notes or not which it may be necessary for the said Beaumont Wharf and Terminal Company to use in the construction of its terminal railroad under the terms of its charter from the State."

Sec. 2. That said franchise ordinance shall hereafter read and shall be construed so as to limit the terms hereof and the grant of an easement or right to the streets and alleys of this city, to such streets, alleys and public grounds as may be specifically named and described in said ordinance and to such other streets and grounds as may have been properly appropriated by said railroad company prior to this date and that may have been put to actual use by said railroad company under the terms of said franchises.

Section 3. Whereas, it is of great public importance that the use of all public streets and alleys in this city should be clearly and specifically defined by ordinance, and that the franchise of the Beaumont Wharf and Terminal Company should be limited to the streets and alleys described therein and to such other streets and alleys, or public grounds as may have been heretofore properly appropriated by it under the terms of said franchise, therefore it is further ordained that the rule requiring ordinances to be read at three several meetings be and the same is hereby suspended and that this ordinance take effect from and after its passage and approval by the Mayor. Approved this 23rd day of January, A. D. 1906.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont Wharf and Terminal Company, in its own right and in the right of its successors and assigns is hereby granted the right of way and the authority to construct, own, maintain, and operate its railway switch track over, along and upon and across Long Avenue, a public street in the city of Beaumont, springing from a point on the north side of the main line of said Beaumont Wharf and Terminal Company, in Long Avenue and about 220 feet west of the intersection of the west line of Pine Street and Long Avenue; thence in a northeasterly direction to a point on the north boundary line of said Long Avenue at or near the corner of a tract of land fronting Pine or Mill street and Long Avenue; deeded to William Wiess by Geo. W. Smith by a deed recorded in Volume 19, page 529 of the deed records of Jefferson County, Texas, to have and to hold the same, unto the Beaumont Wharf and Terminal Company the said right to construct and operate said switch track as shown by the map or plat attached to application of said Beaumont Wharf and Terminal Company.

Sec. 2. The obligation is hereby imposed upon the said Beaumont Wharf and Terminal Company, as required by the City Council from time to time, to surface said switch track laid on any part of Long Avenue to the grade level of the street, with sand, crushed rock, shell, or any other suitable material as the city council may direct and in the event that at any time the city of Beaumont may undertake to construct a public underground sewer intersecting any part of said switch track, the Beaumont Wharf and Terminal Company shall be bound to pay for the cost of so much of said sewer as underlies said switch track, intersected by said sewer, and shall be liable and shall make and maintain such ditches, drains or culverts as may be directed by the City Council of the City of Beaumont.

Section 3. The said Beaumont Wharf and Terminal Company, its successors and assigns, shall take the rights

and franchises herein granted, subject to the provisions of the charter of the city of Beaumont and subject to all ordinances of the city now in force, or which may be hereinafter adopted, regulating the construction of railroad tracks and the operation of railroad engines and cars in the city.

Sec. 4. The rights, authorities and privileges hereby granted to the Beaumont Wharf and Terminal Company, its successors and assigns shall subsist and be vested in said company, its successors and assigns, for a period of thirty years from the date of its final passage by the council.

Sec. 5. The said Beaumont Wharf and Terminal Company, its successors or assigns, shall file with city Secretary, an instrument in writing accepting the terms of this franchise ordinance within thirty days after its final passage, and shall construct, lay and complete said switch tracks within sixty days after its written acceptance is filed. Approved on this 5th day of May, 1909.

Whereas, the Beaumont Wharf and Terminal Company has heretofore, for a good many years, had and maintained a railroad track down Austin Street to the river with a switch at what is known as the Hinz Rice Mill property and the old Beaumont Lumber Company property, and

Whereas, the City of Beaumont has changed the grade of Austin Street where said tracks have heretofore been and also erected certain wharves along the river front, and,

Whereas, the city is desirous of having said Beaumont Wharf and Terminal Company to build and maintain along said wharves its railroad track.

Now, therefore, be it ordained by the City Council of the City of Beaumont:

Sec. 1. That the Beaumont Wharf and Terminal Company be and the same is hereby granted the right

to build, operate and maintain its tracks along Austin Street and across the property belonging to the city, fronting on river south of Austin Street and onto the wharves erected by and belonging to the City at the foot of Pearl and Main Streets. Each of said tracks being more particularly described as follows, to-wit:

First. Beginning at Station 37 x 41 of Austin Street track of the Beaumont Wharf and Terminal Company, which point is in the center of Austin Street and 6.4 ft. northeast of the northeast line of Pearl Street; thence in a northeasterly direction along Austin Street and across Main Street 13 feet to the northwest of and parallel to the center line of the Austin Street track to the northeast line of Main Street, thence continuing on a line 13 feet from and parallel to said Austin Street track across the wharf property of the City of Beaumont to a certain point in the connecting track of the City of Beaumont to a point in the connecting track of the Beaumont Lumber Company track opposite station 42 x 81 of the Austin Street track. Total length of track 540 feet.

Second. From station 44 x 29.3 of the Austin Street track of the Beaumont Wharf and Terminal Company, said station being 34.3 northeasterly of the northeast end of the Beaumont city wharf, measure southwesterly along the center line of siding No. 2, said center line curving to the left with a radius of 764 feet, 99.8 feet, for a point of beginning, thence in a southwesterly direction across the wharf property of the City of Beaumont on a line tangent to the last described line 113.3 feet, thence on a line curving to the left with a radius of 764 feet, 103.2 to the northeast line of Main Street; thence continuing on said curved line 60 feet to the southeast line of Main Street, thence entering the wharf property of the City of Beaumont and continuing on said curved line 21 feet to a point 8.5 to the northeast of the Beaumont City Wharf, thence southwesterly 8.5 from and parallel to said wharf 238.5 feet to a point

opposite the southwest end of said city wharf as now constructed. Total length of track 636 feet.

Third. Beginning at the southwesterly end of the curve in the Beaumont Wharf No. 1, thence in a northeasterly direction on a line curving to the right with a radius of 382 feet across the wharf property of the City of Beaumont, 21 feet, to the southwest line of Main Street, thence continuing on said line 60 feet to the northeast line of Main Street, thence entering the wharf property of the City of Beaumont and continuing on said curved line 61 feet, to a point 17 feet to the northwest of the Beaumont City Wharf, thence in a northeasterly direction 17 feet from and parallel to the said city wharf 212 feet to a point opposite the northeast end of said city wharf as now constructed. Total length of track 354 feet.

Fourth. Beginning at station 35 x 93 of the Austin Street track of the Beaumont Wharf and Terminal Company, which point is in the center of Austin Street and 80 feet southwest of the southwest line of Pearl Street, thence in a northeasterly direction, 13 feet to the southeast of and parallel to the center line of the Austin Street track, to the southeast line of Austin Street at station 39 x 76, thence continuing 13 feet from and parallel to the main track across the wharf property of the City of Beaumont to a point in the southwest line of Main Street, thence continuing parallel to the main line Main Street, 16 feet from the southwest line of Austin Street, thence continuing parallel to the main line across Main Street to a point in its northeast line 34 feet from the southeast line of Austin Street, thence continuing parallel to Austin Street track across the wharf property of the City of Beaumont to station 43 x 95 which is opposite the northeast end of the City Wharf as now constructed. Total length of track 802 feet.

Fifth. Beginning at station 43 x 52 of the Austin Street track of the Beaumont Wharf and Terminal Company which point is 43 feet westerly from a point oppo-

site the east end of the Beaumont City Wharf, thence in a westerly direction on a line curving to the right, with a radius of 382 feet across the wharf property of the City of Beaumont, 187 feet to a point in the southeast line of Austin Street, 80 feet northeast of the northeast line of Main Street, thence continuing on the last described course across Austin Street 78 feet to a point in the northwest line of Austin Street, 32 feet northeast of the northeast line of Main Street.

Total length of track 265 feet.

Sec. 2. The blue print hereto attached is and shall be regarded as a portion and part of this ordinance.

Sec. 3. That this ordinance shall be in force and take effect from and after its passage. Approved Feb. 15th, 1910.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right and privilege is hereby granted to the Beaumont Wharf and Terminal Company to build and maintain a spur track connecting the track of the said Beaumont Wharf and Terminal Company as it now exists on Long Avenue with the track of the Gulf, Beaumont and Kansas City Railway Company at a point near Hazel Avenue; said spur track being more particularly shown by red line marked upon plat or blue print hereto attached and made a part hereof.

Sec. 2. The right and privilege to cross any street spur track as same is shown on the blue print hereto attached is hereby given and granted unto the said Beaumont Wharf and Terminal Company.

Sec. 3. The above rights and privileges to said Beaumont Wharf and Terminal Company upon the condition that said track be built within twelve (12) months from the date of the passage of this ordinance and that all points where said track crosses any street or alley of the City of Beaumont, the track shall be built and maintained

at a grade level, and according to the terms and stipulations of the Charter of the City of Beaumont and the ordinances thereunder. Approved May 3rd, 1910.

LETTER OF ACCEPTANCE.

Beaumont, Texas, May 20th, 1909.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF BEAUMONT:

Gentlemen:

This is to advise you that the Beaumont Wharf and Terminal Company accepts the ordinance passed by your honorable body and approved by the Mayor on the 5th day of May, 1909, granting to this company a franchise over certain parts of Long Avenue about 220 feet west of the east line of Pine Street.

Yours very truly,

J. A. GLEN, Div. Supt.

TEXAS TRAM AND LUMBER COMPANY.

CHAPTER VIII.

Proposition by the Texas Tram and Lumber Company to extend water mains and establish hydrant.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BEAUMONT:

Your petitioner, the Texas Tram and Lumber Company, respectfully presents for your consideration the following proposition:

That said company shall and will, at its own expense, make extension of the city water works terminus of its eight inch pipe on Orleans Street as at present located; that said company will agree and hereby agrees to put in and lay down in a southeasterly direction along Orleans Street to the intersection of Orleans and Bowie Streets a six inch main, a city hydrant at such intersection, thence continuing the six inch main pipe, a city hydrant at such intersection, thence continue the said six inch main along said Bowie Street to the west line of the city plat, also putting in a fire hydrant at the intersection of Bowie and Sabine Streets, the position of these hydrants to be fixed under the city's direction; a four and six inch main to be then extended to and around the site of our planing mill, dry kiln, lumber yards and grounds west of the city plat, and such last extension to contain three fire hydrants, these properly distributed.

All of the above extensions of mains and hydrants that lie within the limits of the present city plat, to be the property of the city, without further compensation, but to remain in charge of the lessees of the city water works during the continuance of such lease. That all of the above fire hydrants and pipes upon which they are located to be owned and under the control of the city, subject to the lease of Messrs. Thomas and Gorman.

In consideration of this, our proposition, we respectfully ask the city to allow the five hydrants named

to apply to the contract between Thomas and Gorman and the city, and thus reduce the number of hydrants yet to be put in by Thomas and Gor man, or their assigns, to thirteen under the clause in said Thomas and Gorman contract relative to sixty hydrants, and we will ever pray, etc.

Yours respectfully,
Texas Tram and Lumber Company,
W. A. Fletcher, President.

On motion of Alderman Goodhue, said petition, with the consent of the petitioners, was changed by inserting the following words:

"The Texas Tram and Lumber Company insert in the petition that the five hydrants mentioned in said petition be owned by the City of Beaumont and under the control of the City Council", whereupon on motion of J. B. Goodhue, it was resolved by the Countil that said petition be granted, and that the extensions in said petition mentioned be made without expense to said city, and that said extension, including five additional hydrants, shall vest in and be the property of, and under the control of the city. Motion carried. (First book of Minutes, pages 298-299).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Texas Tram and Lumber Company be, and is hereby granted the right of way over, across and upon the following named streets, for the purpose of building and constructing a standard guage switch for their own private use, and for the purpose of transporting their lumber and material from their mill and lumber yards on blocks 7 and 23 in the City of Beaumont to the western terminus of Bowie Street, and for the purpose of ditching, draining, filling and putting in culverts and crossings thereon for the purpose of keeping said switch properly ballasted and said street properly drained for traffic and travel, upon and across the following streets, to-wit:

1st. Said switch to begin on Hickory Street between blocks 7 and 23, thence on to said block 32.

2nd. Across Cypress Street between blocks 23 and 19, passing from lots 589 and 590 of block 23, across Cypress Street and into lots 622 and 623, of block 19.

3rd. Across Travis Street between blocks 19 and 25, passing from lot 618 of block 19, across said Travis Street and into lots 648 or 649 of block 25.

4th. Across Main Street to or about the center of junction of Main and Bowie Streets, and the west side of Main Street.

5th. Thence through the center of Bowie Street westward to the terminus of Bowie Street, on the west line of the town of Beaumont.

Sec. 2. Said right of way and the privilege above granted to exist so long as the Texas Tram and Lumber Company, its successors and assigns operate and run said mill and said switch; said Texas Tram and Lumber Company to keep said switch in good condition for traffic and travel thereon.

BOWIE STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That for and in consideration that the Texas Tram and Lumber Company shall and will ditch, drain and where necessary, fill in and put in culverts and crossings in and upon Hickory, Cypress, Travis and Main Streets, where the railway switch now constructed shall cross the same, to ditch, drain and put in culverts in and upon Bowie Street, from the intersection of Main Street to the extreme western edge of what is now known as the Texas Tram Planer Yards, owned by said Texas Tram and Lumber Company, and in further consideration that said switch or track shall be constructed and maintained so that it will not be above grade level of said street, and so that it will not hinder and impede travel and traffic

thereon. It is ordained by the City Council of the City of Beaumont; that the said Texas Tram and Lumber Company shall have and is hereby granted and conveyed to it, the said Texas Tram and Lumber Company, the right of way on Hickory Street between blocks seven and Twenty-three, and across Cypress Street between blocks 23 and 19 and across Travis Street between blocks 19 and 25 and across Main Street from block 25 to the center of the junction of Bowie Street with Main Street, at and on the west boundary of Main Street; thence down the center of Bowie Street, westward to the extreme western edge of said property of the Texas Tram and Lumber Company and what is known as the planer; said right of way being for the purpose of owning, constructing and maintaining a standard railroad switch from Hickory Street between block 7 and 23 over and across streets named, to the lumber yards, and planer of the said Texas Tram and Lumber Company, that they now own, and for the further purpose of granting and giving the right to use said track for the purpose of transporting lumber, logs and other material of the said Texas Tram and Lumber Company to and from their said mill on blocks seven and 23, and it is further ordained and granted by the City of Beaumont; that the said Texas Tram and Lumber Company shall also have the right to transport over said track, all logs used by the Beaumont Lumber Company in the manufacture of lumber.

The said right of way herein granted and the privileges herein conferred shall continue and remain in said Texas Tram and Lumber Company, their successors and assigns, so long as the same are used for the purpose aforesaid and the conditions herein named are complied with.

It is further ordained by the City Council of the City of Beaumont that this ordinance be and it is not in anywise to repeal any ordinance passed on the 20th day of February, 1888, wherein the said Texas Tram and Lumber Company was granted the right of way down said street for the purpose in said ordinance set forth, but that the same be and is hereby a ratification and

confirmation of the said ordinance of February 20th, 1888.

CITY OF BEAUMONT,
THE STATE OF TEXAS,
County of Jefferson.

BE IT KNOWN BY THIS INSTRUMENT, that the Texas Tram and Lumber Company, a private corporation duly organized and chartered under the laws of the State of Texas, and having its principal office in the City of Beaumont, said State and County, acting herein by and through its president, W. A. Fletcher, and the Beaumont Lumber Company, also a private corporation likewise duly organized and chartered under the laws of said State of Texas, having its principal office in the City of Beaumont, said State and County, and acting herein by and through its vice-president, Geo. W. Carroll, and each under the authority of our respective board of directors, for and in considerations, to us received and to be hereafter recieved by us, through the construction of the terminal railroad of the Beaumont Wharf and Terminal Company, under the terms of that certain franchise granted by the City of Beaumont, giving it the right to occupy certain streets, alleys and other city property with its said terminal railroad, and whereas, the same was granted on the condition that the said railroad shall not be used for the purpose of delivering to our respective saw mills logs from our tram roads north of Beaumont on the south side of the Texas and New Orleans Railroad, except it be over or upon that portion of the same along or parallel with the west bank of Brake's Bayou and Neches River, as shown on Rachford's map of the City of Beaumont, and it being obligatory upon the said Beaumont Wharf and Terminal Company, further, by the terms of the aforesaid franchise, to file with the City Secretary good and sufficient contracts of guaranty by us, binding us not to accept delivery of logs on the south side of said Texas and New Orleans railroad from said Beaumont Wharf and Terminal Company for our saw

mills, except in the manner aforesaid and as provided under the terms of the said franchise.

We, the Texas Tram and Lumber Company and Beaumont Lumber Company, now therefore, hereby promise and agree, and by these presents do promise and agree, for the consideration aforesaid, that we will not accept any logs for delivery to our said saw mills by the said Beaumont Wharf and Terminal Company when such delivery be not strictly in accordance with the conditions of the aforesaid franchise, subject to forfeiture in said City of Beaumont, in the sum of five ($5.00) dollars, for each and every car as damages, resulting to the said City of Beaumont through our failure so to keep this pledge thereto, and in the event of such failure on our part to well and truly carry out in good faith this, our bond therefor, we hereby promise to pay on demand to the City Treasurer of the City of Beaumont said sum of five ($5.00) dolars per car for each and every car received by us from said Beaumont Wharf and Terminal Company, if the same shall not have been handled strictly in accordance with the franchise as aforesaid.

In testimony whereof, we have hereunto subscribed our names this, the 4th day of April, A. D. 1898.

Texas Tram and Lumber Company,
By W. A. Fletcher, President.
Beaumont Lumber Company,
By G. W. Carroll, Vice-Pres.

CHAPTER IX.

NECHES LUMBER COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Neches Lumber Company, its successors and assigns, is hereby authorized and empowered to construct, maintain and operate a railroad switch over, upon and across the following named streets and alleys in the City of Beaumont, Jefferson County, Texas, to-wit:

On Pine Street from a point where Pine Street is intersected by Miller Street, thence on Pine Street to Jim Holland's place on said street; thence through the alleyway leading to the mill of the Neches Lumber Company

Sec. 2. That said Neches Lumber Company, its successors or assigns, takes the rights and franchises herein granted subject to the provisions of the Charter of the City of Beaumont, and any amendments which may hereafter be made thereto, and subject to the ordinances of the said city now in force or which may hereafter be passed.

Sec. 3. The right herein granted to the Neches Lumber Company, its successors and assigns, is granted for a period of twenty-five (25) years from the date hereof.

Sec. 4. The grantee herein agrees and binds itself to do and perform the following in addition to what has been herein provided, to-wit:

(a) To restore Pine Street to such condition as may be directed by the Street and Bridge Committee and City Engineer.

(b) To construct, build and maintain such drains across said Pine Street and under said railroad tracks from time to time as may be required by the City Engineer.

(c) Upon being notified by the Mayor of the City of Beaumont, to conform the tracks to the street level, to

repair the track or to repair that part of the street upon which the said track is laid, to immediately comply with said notice, and failing to begin work bona fide within ten days after the receipt of such notice by the Mayor as aforesaid, the privileges herein granted shall be forfeited and the City of Beaumont shall have the right to remove or cause to be removed the said track without any action of any court, and without liability for such action on the part of the city.

This ordinance shall be in full force and effect from and after the city having received written notice of the acceptance of same from the grantee herein mentioned, passage of same by the City Council and approval of the Mayor. Oct. 15th, 1907.

THE STATE OF TEXAS,
County of Jefferson.

Whereas, the City Council of the City of Beaumont, in the County of Jefferson, and State of Texas, has heretofore, to-wit: on the 15th day of October, A. D. 1907, passed, ordained and enacted a certain ordinance, the same being entitled:

"AN ORDINANCE."

Whereby the City Council of the City of Beaumont, grants to the Neches Lumber Company, its successors and assigns, the right of way over certain streets and alleys in the City of Beaumont for the construction and maintenance and operation of a railroad switch in the corporate limits of the City of Beaumont, and imposes certain conditions in respect therto:

Now, therefore, in consideration of the premises and of the terms and stipulations of said ordinance, the said Neches Lumber Company, its successors and assigns, do hereby accept the benefits of the aforesaid franchise upon and subject to the terms thereof.

In testimony whereof witness the signature of the

Neches Lumber Company by its president, attested by its secretary with the corporate seal attached, this the 2nd day of December, A. D. 1907.

SAM J. POWELL,
President.

ATTEST:
W. C. Gray,
Secretary.

CHAPTER X.

BEAUMONT ICE, LIGHT AND REFRIGERATING COMPANY.

ORDINANCE.

An ordinance granting right to the Beaumont Ice, Light and Refrigerating Company to supply, erect and construct electric lights and poles and wires thereof in, upon and across the streets of the City of Beaumont.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the Beaumont Ice, Light and Refrigerating Company be and the same is hereby granted the rights, privileges and franchises following, to-wit: To supply lights by means of electricity to the public and to private citizens of said city as may be contracted for by them from time to time, and for such franchise to construct and erect such lamp posts or poles, lamps or lights thereon, and electric wires to connect the same with its factory, and any other proper appliances as shall be necessary thereon and in, upon, along or across any road, streets or alleys of said city, in any locality thereof inside the corporate limits, for and during the period of its charter from the State of Texas, provided, however, that all poles or lamp posts erected or planted in or on any of the streets or public ways of said city shall be placed with the outer edge of the post ever with the outside of the sidewalk thereof, if any; if not there at the edge of said public way, the poles or posts now located to remain as they are forever, except on Crockett Street, which shall be located as above; provided further, that those on any public grounds of the city shall be located subject to the approval of the Mayor, and those on private premises subject to the consent of the owners, and provided further, that the right hereby granted shall not be deemed to be exclusive, and shall be and remain subject to such special or general rules and regulations as are proper and within the power and jurisdiction of the City Council. Passed October 7th, 1890.

BEAUMONT ICE, LIGHT AND REFRIGERATING COMPANY.

SOUTH END OF CITY.

An ordinance granting to the Beaumont Ice, Light and Refrigerating Company, its successors and assigns, the right to construct a switch leading from the track of the Beaumont Wharf and Terminal Company on Austin Street between Neches Street and the conjunction of Sabine and Park Streets to the plant of the Beaumont Ice, Light and Refrigerating Company situated on block 69 in the City of Beaumont.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there be and is hereby granted to the Beaumont Ice, Light and Refrigerating Company, its successors and assigns, the right and privilege of constructing, owning and operating and maintaining a railroad switch leading from the railroad track of the Beaumont Wharf and Terminal Company at a point on Austin Street between Neches Street and the conjunction of Sabine and Park Streets, that the said Beaumont Ice, Light and Refrigerating Company, its successors and assigns, may elect and running thence over, along and across said Austin Street onto block No. Sixty-nine (69) in the City of Beaumont and thence in an easterly direction over, along and across lands owned by the Beaumont Ice, Light and Refrigerating Company, to its plant situated on said block No. Sixty-nine (69) in the City of Beaumont.

Sec. 2. That the switch track or spur so to be built and constructed as above mentioned shall be built on the grade of Austin Street as now established and shall be permanently maintained at such grade and where same crosses ditches along said street, there shall be placed and maintained all necessary culverts so as not to interfere with the flow of water along such street.

Sec. 3. Said switch track or spur so to be con-

structed shall be filled in between the tracks and ties to a sufficient distance either side of track, with either gravel, cinders, sand or plank as required by the City Engineer and shall be so maintained that travel in wagons, buggies and vehicles of all kinds, shall not be interfered with, but will permit free travel along Austin Street for the full width of said Austin Street.

Sec. 4. Should the City Council of the City of Beaumont, at any future time, order that said Austin Street shall be paved, then in that event, the said Beaumont Ice, Light and Refrigerating Company shall pay the cost of grading, paving ,repairing or repaving the portion of said Austin Street used or occupied by the said switch, the portion of the street occupied by the switch shall be deemed to mean all that portion of the same between the rails of the tracks laid and extending eighteen inches beyond the outer edge of the ties of the said switch.

Sec. 5. This ordinance shall be in force from and after its passage.

APPROVED:
T. H. LANGHAM,
Mayor.
May 8th, 1902,

ATTEST:
W. A. Ives,
City Secretary.

An ordinance granting the Beaumont Ice, Light and Refrigerating Company, the right to sell its plant, franchises, etc.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont Ice, Light and Refrigerating Company, a corporation existing under and by virtue of the Laws of the State of Texas, and with franchises and easements from the City of Beaumont be and the same is hereby fully authorized and empowered to sell, alienate, transfer and convey all and singular the leasehold right and the franchise easements, rights, powers and privileges heretofore at any time given and granted

to it by the City of Beaumont, or any part of the same to whomsoever and upon such terms and conditions as it may deem proper.

Sec. 2. This ordinance shall be in force and take effect from and after its passage.

Approved this, the third day of March, A. D. 1903.

THOS. H. LANGHAM,
Mayor.

An ordinance confirming unto the Beaumont Ice, Light and Refrigerating Company, the right to generate and transfer to its patrons, electrical power and heat.

Whereas, the ordinances of the City of Beaumont contain an ordinance granting the Beaumont Ice, Light and Refrigerating Company the right, among other things, to erect and operate electrical works for the purpose of generating electrical works for electric lights and motors and other electrical machinery, as contained in Chapter XXXVII of the Charter and Ordinances of the City of Beaumont, published December, 1899, and,

Whereas, the original of said ordinance has been lost or cannot be found, and,

Whereas, the validity of said ordinance, as codified has been questioned; therefore in order to set at rest the question as to the right of the Beaumont Ice, Light and Refrigerating Company to exercise the powers and privileges contained in said Chapter XXXVII of the ordinances of the City of Beaumont;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont Ice, Light and Refrigerating Company, its successors and assigns, are hereby granted the right to erect electrical works, lay out, locate, construct, furnish, maintain and enjoy a line or lines of wire with all poles, bowers, lamps, apparatus and appliances necessary and needful for the purpose of furnishing electric lights and power, energy and heat through and over any of the streets, alleys and bridges

in the City of Beaumont, provided, however, that said lines of wire and said poles and apparatus shall be so erected, constructed and maintained as not to interfere with or impede travel or damage the property or in any way interfere with the rights of other people or the public in general within the said City of Beaumont.

Sec. 2. The said Beaumont Ice, Light and Refrigerating Company, its successors and assigns are hereby given and granted the privilege, franchise and right to erect and operate such plant or plants and operate and maintain such electrical works including poles and lines of wire as it or they may deem necessary for the purpose of generating electricity for electric lights and for supplying electric motors and furnishing power and heat for electrical machinery contrivances and appliances of every kind and character.

Sec. 3. This ordinance shall in no wise be construed as limiting or restricting the powers and privileges heretofore at any time granted or conferred upon the said Beaumont Ice, Light and Refrigerating Company, its successors and assigns.

Sec. 4. This ordinance shall be in full force and effect from and after its passage. July 7th, 1903.

ATTEST:

W. A. Ives,
City Secretary,
By J. G. Sutton,
Deputy.

BEAUMONT TRACTION COMPANY.

AN ORDINANCE.

An ordinance granting to the Beaumont Traction Company, its lessees, successors, or assigns, for the term of forty-two years, consent, permission and authority to construct, reconstruct, maintain and operate over certain streets within the corporate limits of the City of Beaumont, Texas, a street railway system with the tracks, electric wires, cars and other parts and appurtenances thereof, defining the motive power by which the cars thereof shall be operated, and prescribing the conditions and requirements under which said street railway shall be constructed, reconstructed, maintained and operated and providing penalties; and providing for the repealing and terminating of all franchise rights and privileges held or claimed by said Beaumont Traction Company in and to the streets, avenues and highways of said city (except as granted by this ordinance), and providing for the surrender of the same to the city.

Whereas, the Beaumont Traction Company, a corporation organized and existing under the laws of the State of Texas, is operating various lines of street railway over the streets of the City of Beaumont, and is now the owner of the said street railway system, said system being operated under the following franchises and permits granted by the City of Beaumont:

(1) A franchise granted by the City of Beaumont to John H. Kirby and others on the 14th day of November, A. D. 1900.

(2) A franchise granted to W. L. Thompson, H. K. Johnson and others on October 7th, 1902.

(3) A franchise granted to the Beaumont Traction Company for what is known as the Royal Street Line on April 17th, 1906.

(4) Various permits granted by the City Council of the City of Beaumont; and,

Whereas, under the authority of and pursuant to a resolution adopted by the City Council of the City of Beaumont on the 13th day of July, 1909, the City Attorney of the City of Beaumont has instituted in the name of and on behalf of the City of Beaumont, in the District Court of Jefferson County, Texas, two certain actions against the said Beaumont Traction Company, one of said actions being for the annullment of said franchise, and the other for the recovery of damages alleged to have been sustained by the City of Beaumont as a result of the alleged violation by said Beaumont Traction Company of said franchises in relation to the keeping in repair of its tracks on Pearl Street in the said City of Beaumont, the said actions being respectively entitled and numbered on the docket of the said Court "The City of Beaumont versus Beaumont Traction Company, No. 7611," and "The City of Beaumont versus Beaumont Traction Company, No. 7612," and,

Whereas, there is now pending in the Circuit Court of the United States for the Eastern District of Texas, at Beaumont, that certain suit in equity Numbered 157 on the docket of said court entitled "Interstate Trust and Banking Company versus Beaumont Traction Company," in which suit J. F. Weed is receiver of said Beaumont Traction Company; and,

Whereas, the said City of Beaumont is willing, by way of compromise and settlement of its differences with said Beaumont Traction Company, to dismiss said suits instituted by said City of Beaumont in the District Court of Jefferson County, Texas, upon condition that said suit in equity in the United States Circuit Court is disposed of as hereinafter provided, and upon condition that the rights and privileges of said Beaumont Traction Company granted under the franchises and permits hereinbefore referred to, are surrendered and cancelled, and upon condition that the rights, privileges and franchises conferred and obligations and duties imposed by this ordinance are accepted in lieu and substitution thereof; and upon the other terms and conditions hereinbefore set forth; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

REPEALING AND SUBSTITUTING.

That upon the acceptance of this ordinance in the manner and form hereinafter designated, the rights and privileges of said Beaumont Traction Company, and of all other persons, natural and corporate, claiming any interest in the same, under the franchises and permits hereinbefore referred to shall be and they are herby cancelled and annulled, and all of the aforesaid franchises and permits shall be and stand repealed, and in lieu and substitution thereof the rights, privileges, franchises and permits hereinafter set forth and provided are hereby granted said Beaumont Traction Company, hereinafter called the grantee, for a period of forty-two years from the 7th day of October, A. D. 1910, subject to the terms, conditions, provisions and restrictions hereinafter mentioned; provided it is distinctly understood that by the foregoing repeal of said franchises and permits as above set forth, it is not intended to invalidate the bonds of the grantee heretofore issued and now outstanding but to substitute the franchise hereby granted as the basis and security for said bonds in lieu of said franchises and permits hereinabove repealed.

SECTION II.

GRANT AND DURATION.

That the City of Beaumont does hereby grant to the said grantee, its successors and assigns, the right of way for and the right, privileges and franchise to construct, maintain, use and operate, a system of electric street railway, with the necessary switches, turnouts and turntables, in the City of Beaumont, upon the streets thereof hereinafter designated and provided to be designated, for the purpose of transporting passengers.

SECTION III.

STREETS COVERED BY FRANCHISE.

That the streets over and upon which the rights and privilege shall extend shall be:

(a) The streets upon which the grantee is now operating, using and maintaining a line of street railway which are as follows, to-wit:

On Pearl Street from Calder Avenue to Milam Street, Milam Street from Pearl Street to Park Street, on Park Street from Crockett Street to the City Limits; on Emmett Avenue from Park Street to Sabine Pass Avenue; on Sabine Pass Avenue from Emmett Avenue to Shamrock Avenue; on Shamrock Avenue from Sabine Pass Avenue to Fifth Street (now Irving Avenue); on Fifth Street (Irving Avenue) from Shamrock Avenue to Doucette Street; on Doucette Street from Fifth Street (Irving Avenue) to Railroad Avenue; on Royal Street from Park Street to Galveston Street; on Galveston Street from Royal Street to Berlin Street; on Berlin Street from Galveston Street to Sabine & East Texas Railroad; on College Street from Pearl Street to Avenue C; on Crockett Street from Park Street to Orleans Street; on Orleans Street from Crockett Street to Bonham Street; on Bonham Street from Orleans Street to Pearl Street; on Liberty Avenue from Orleans Street to Magnolia Avenue; on Magnolia Avenue from Liberty Avenue to City Limits; on Calder Avenue from Pearl Street to City Limits.

(b) Such of the other streets within the corporate limits of the City of Beaumont as may be designated by resolution or ordinance of the City Council of the City of Beaumont as streets upon which the said street railway system may be extended.

(c) Such streets or highways as may be hereafter included within the corporate limits of the City of Beaumont, upon which the grantee may be operating its railway system at the time of such inclusion.

SECTION IV.

SINGLE AND DOUBLE TRACKS AND SWITCHES.

That the rights and privileges herein granted are for a single track street railway only, except to the extent of the double tracks which the said grantee now nows and operates, and except to the extent that the said grantee may be hereafter authorized to change the said road or portion thereof, to a double track road, by the City Council of the City of Beaumont, under such regulations as the latter may prescribe; provided, however, that the grantee be, and it is hereby authorized to construct, in lieu of the single tracks now situated thereon, double tracks along the following streets, to-wit:

On Pearl Street from Bonham to Milam Streets; on Milam Street from Pearl Street to Park Street; on Park Street from Milam to Royal Streets; on College Street from Pearl to Park Street; this permit for double track being granted upon condition that the same be constructed within twelve months after the acceptance of this ordinance, and that, as to character of construction, same shall be governed by the general provisions of this ordinance.

That the grantee shall construct no switches or turnouts in addition to those now constructed, except by permission of the City Council of the City of Beaumont.

SECTION V.

ANNUAL PAYMENT TO CITY.

That in consideration of the grant of this franchise on the first day of February 1917 and on the first day of each year thereafter the grantee shall pay to the City of Beaumont one per cent of its gross receipts of fares for the carriage of passengers for the year ending December 1st of the year preceding and the percentage of gross receipts to be paid by the grantee may be increased by the City Council of the City of Beaumont at any time after October 27th, 1927, to an amount not to exceed two per cent of such annual gross receipts.

It is expressly understood that the payments in this section provided for are by way of a bonus to the City of Beaumont, and not by way of occupation or franchise tax nor tax of any kind; and same shall in no manner affect or impair the city's right of taxation against the grantee under present or future laws, nor in any manner release or exempt said grantee from the payment of any taxes which may be legally imposed.

SECTION VI.

CHANGE OF GRADE, IMPROVEMENTS OF STREETS, ETC.

That if at any time the city shall desire to change the grade of any street, or portion thereof, traversed by the lines of the grantee or to improve the same by shelling, macadamizing,reshelling, remacadamizing, paving or repaving or repairing and shall provide for such improvement or change of grade by ordinance, then the grantee herein shall pay the cost of such improvement, or such change of grade, between and under the rails and tracks of its railroads and turnouts and for two feet on each side of the rails thereof; as well as the cost of changing its tracks to conform thereto; and when the city is ready to proceed with the improvements, repairs, or change of grade of such streets or portion thereof, the city, through its proper representatives, may enter into a contract for the construction of such improvement or the making of such repairs or change of grade, and charge to the grantee herein its proper pro-rata of the contract price of same for the whole width of the street as shall be assessed by the City Council provided that the city may proceed for the enforcement of the obligation of the grantee to make such improvement, repairs or change of grade, as provided in the general laws of the State of Texas by Act of May 10, 1909, or as provided in the Charter of the City of Beaumont; but in each case the obligation of the grantee to make and to pay for its pro rata of such improvement shall constitute a first lien as hereinafter provided.

Provided that the grantee, shall not be required to widen any of its concrete tracks or pavement foundations now laid until such time as the city shall legally provide for the repaving or otherwise improving or repairing, as above, of the street or streets or portions of same whereon said concrete track foundations, are now located, unless the grantee should sooner rebuild its track foundations, in either of which events the provisions of this clause shall become effective as to all such portions of streets so improved.

Provided further, that whenever the grantee shall herafter build, or the city shall build for the grantee and the grantee pay for any concrete foundations under the tracks, the City Engineer, acting under direction of the City Council shall be required to establish a permanent paving grade for such concreting and track construction, and the tracks shall be cnstructed to said grade under the supervision of the City Engineer, or such other agent as the City Council may direct, and should the city determine to change the grade of any such concrete construction on grades hereafter so established within the period of ten years from the date of requirement of such construction, it, the city, shall be required to bear a portion of the expense of reconstruction caused by such change of grade, that is to say, the proportion of reconstruction expense in such case to be paid by the city as follows, to-wit:

If the change of grade and construction is required within the first year after the original concrete construction is required, all of the expense thereof, if within the second year after requiring the original concrete construction, ninety per cent of total cost of change, and ten per cent less for the lapse of each additional year, but after the lapse of ten years from the date of requirement of original concrete construction, the city shall bear none of the expense caused by such change of grade.

SECTION VII.

CONCRETE FOUNDATIONS.

That the grantee herein shall, as soon as practicable, from and after the passage hereof, begin to place its tracks now on Pearl Street, on Calder Avenue from Gulf Street to City Limits, and on Magnolia Avenue from Long Avenue to Elm Street, on a good substantial concrete foundation, at least six inches in thickness and seven feet in width, under the ties or stringers, and shall have same finished and completed within twelve months after acceptance of this ordinance, and shall maintain such foundations, as well as concrete foundations under its other tracks, in good condition and repair; provided, the city shall permit the operation of the cars over the side of such streets during such construction, when practicable.

That the grantee shall also, when required by the City Council, construct, concrete foundations of the character above described under its tracks, on any street which the City of Beaumont shall macadamize, shell or pave.

SECTION VIII.

SPRINKLING CARS.

That the grantee shall procure and keep in good condition and repair a sufficient number of water sprinkling cars with which it shall, after the expiration of eighteen months after the acceptance of this ordinance, sprinkle not to exceed twice in one day from curb to curb, 8000 lineal feet of such streets, over which its lines extends as the City Council may designate and at such times as it may be so required to do by the City Council; provided, that for every additional street mile of track, or portion thereof hereafter constructed, the grantee shall sprinkle 720 feet additional; provided, further, that nothing in this section contained shall be construed as affecting any legal right which the city may have to

compel the grantee to sprinkle a greater amount than above provided.

SECTION IX.

CARE OF STREETS, ETC.

That the grantee shall use this grant in such manner and maintain its lines of road and operate its cars so as not to injure the said streets nor to interfere with the use of the same by the public; and in doing construction or repair work on its tracks, the grantee shall perform same in such manner as shall not unnecessarily interfere with the use of the street by the public; and any injury to the streets in connection with its construction or repair work, the grantee shall repair at its cost. The grantee shall at all times keep that portion of the street and its foundation between its rails, tracks, sidings and turnouts and for two feet on each side thereof in good condition and repair; shall keep the top of its rails on a level with the street; and construct and maintain in good condition and repair a good and sufficient wagon-crossing from street line to street line over its tracks at the intersection of all streets and shall construct and maintain over its tracks and for two feet on each side thereof in good condition and repair a good and sufficient foot crossing on each side of the street, in such manner as it may be directed to do from time to time by the City Council of the City of Beaumont or other governing body of said City of Beaumont; and shall pay to the City of Beaumont one-half of the cost of all culverts from curbing to curbing, which the city may construct or cause to be constructed under its tracks, and shall also pay to the city one-half of the cost of maintenance thereof; provided, that nothing in this section contained shall be construed as affecting any legal right which the city may have to compel the grantee to pay a larger portion of the costs of construction and maintenance of culverts than that above provided.

SECTION X.

TEMPORARY SUSPENSION.

That for the purpose of making repairs or improve-

ments, the city, through its Mayor, may at any time require the suspension of the operation of cars over any portion of said streets until same may be safely resumed without probability of injury to said improvements.

SECTION XI.

EQUIPMENT AND SCHEDULES.

That the said street railway lines shall be constructed, maintained, equipped and operated in first class style and condition. The grantee shall provide, keep and maintain a sufficient number of first class modern cars of not less than double truck, unless single truck cars are permitted by the City Council, for the comfortable transportation of passengers, and shall operate same on the following schedules, to-wit:

On Calder-College line and Sabine-Magnolia lines, the cars shall follow each other at intervals of not more than ten minutes apart; on Park Street line, the cars shall follow each other at intervals of not more than fifteen minutes apart; on the Royal Street line, cars shall follow each other at intervals of not more than fifteen minutes apart; all cars to operate on said schedules from the intersection of Pearl and Bonham Streets to the end of the several lines now constructed or of any extension of same hereafter built in pursuance of this franchise or any amendment thereto. The City Council or other governing body of the City of Beaumont shall have the power hereafter from time to time to fix the schedules upon all lines or any of same as it may deem proper. Provided, that no schedule shall hereafter be reduced to less intervals between cars than those hereinbefore provided, on any line to such extent that the average gross earnings of all cars required on such lines to comply with the said reduced schedule, shall fall below a reasonably profitable rate per day per car. Provided further, that the City Council, through its Mayor or by resolution, may require of the Manager, President or other proper officer of the grantee to make an affidavit, whenever called upon to do so, which affidavit shall show the gross earnings of all cars on any line, and the number of cars aperated thereon,

and the city shall have the power to detail an officer or otherwise to check and corroborate the said affidavit to its satisfaction for the purpose of determining the average gross earnings of cars and such officer shall have free access to all car records and free transportation on all cars for such purposes, provided, the grantee can legally issue the same. Cars shall operate on above schedule from 5:30 o'clock A. M. to 10 o'clock P. M. on all lines and between the hours of 10 o'clock P. M. and 12 o'clock midnight, the cars may be operated on a 20 minute schedule on all lines, provided the City Council may by resolution require the said grantee to operate cars, on any or all lines between the hours of 10 o'clock P. M. and 12 o'clock midnight on the same schedule time hereinbefore required between the hours of 5:30 A. M. and 10 o'clock P. M.

SECTION XII.

FARES AND TRANSFERS.

That the grantee may charge and is authorized to collect a fare of five cents for each single trip for each passenger, and shall provide convenient transfer certificates with close and convenient connection of cars, at the Post Office corner and at other convenient points, and such transfers shall be provided from and to all of its connecting lines where a change of cars is necessary to make a continuous trip, but such transfer certificates shall be good only when presented by the same passenger on the first available car on the connecting line passing the connecting point; provided that not more than one transfer shall be issued on a single cash fare.

School children shall be carred on their way to and from school at two and one-half cents for each single trip under convenient regulations of the City Council as to tickets, and such tickets to be good only between the hours of 7 A. M. and 5 P. M Children under five years of age when accompanied by a person paying fare, shall be permitted to ride free.

City police officers, and firemen in uniform shall

be carried free of charge as long as such is not forbidden by law.

SECTION XIII.

BONDING OF RAILS AND RETURNING CURRENT.

That in case the rails are joined by any other form than a cast welded or electrically welded joint, there shall be used some good and approved system of bonding which will connect the ends of the rails in such manner that the conductivity of the joints shall be such as to render them capable of preventing in so far as practicable any tendency for the current to shunt at that point, and as nearly equivalent to the carrying capacity of the rails as necessary for that purpose. The rails of each single track and the inside rails of the double tracks shall be connected by sufficient cross bonds of copper wire spaced not more than one thousand feet apart, and properly secured to the rails in such manner as to secure proper conductivity. The grantee shall use the most approved method of bonding and returning current to their plant so as to prevent damage from electrolysis as effectually as practicable.

And the City Council of the City of Beaumont shall have the right to make or cause to be made at any time an electrical survey to determine whether or not the rails are bonded so as to prevent damage from electrolysis as effectually as practicable.

SECTION XIV.

REPAIRS, ETC.

That the grantee shall make all repairs and do all construction work affecting the streets, under the supervision of the City Engineer, but the City Engineer shall have no authority to waive any requirements imposed upon the grantee, either by this franchise, or by resolution of the City Council pursuant to this franchise or any other law; and it is hereby made the duty of the said engineer of the City of Beaumont to supervise all construction and repair work on all street car lines of the grantee

involving any interference whether temporary or permanent, with the grades and levels of the streets of the city, and to require the grantee herein to promptly cause the streets to be restored to at least as good condition as they were in before such construction or repair work.

That the grantee herein, shall in construction or repairing the road bed and tracks for said railway, restore all streets and avenues so used and occupied by it to their former condition by refilling and packing thoroughly any and all excavations made by them, and doing and performing whatever may be necessary in order to make such restoration, and failing to do so within ten days after notice is given by the Mayor or City Council, the Mayor or City Council may order the work done, and the grantee shall be liable for the cost of said work and such cost shall be a first lien upon the railway, equipment, property and franchise of said grantee.

SECTION XV.

RAILS.

That the City Council of the City of Beaumont reserves the right at any time to require a change of the rails in any track or tracks of the grantee where this may be reasonably necessary to prevent the impairment of the street for the use of vehicles or pedestrians; and whenever any new tracks are to be laid, or any of the present tracks are to be relaid, or any street over which the grantee's tracks extend is to be paved or repaved, the City Council of the City of Beaumont shall have the right to order and require the grantee to construct or reconstruct said tracks or rails of such character, size and dimensions as said City Council may prescribe.

SECTION XVI.

ABANDONMENT.

That the grantee shall not abandon any part of the aforesaid lines without the consent of the City Council expressed in the form of an ordinance authorizing such

abandonment; and the said grantee shall be required to operate all lines now built or hereafter to be built by it or its successors or assigns as one system of street railway.

SECTION XVII.

USE OF TRACKS BY OTHER COMPANIES.

That in case any other person, firm or corporation shall hold or obtain a franchise from the City of Beaumont for the construction and operation of a street car line over the streets of the City of Beaumont, the city reserves the right to permit such person, firm or corporation to operate its cars over any track of the grantee for a distance not to exceed eleven hundred feet at any one stretch, when same is reasonably necessary in the public interest and for the public convenience, in the opinion of the City Council.

And in case of any interurban railway running into the City of Beaumont, the City of Beaumont reserves the right to permit or require such interurban railway to operate its passenger cars over so much of the track of the grantee as the City Council may deem reasonably necessary in the public interest and for the public convenience to enable such interurban railway to reach the main business streets and a convenient terminus in the city.

The permits above provided for shall be granted only after the grantee shall have been accorded a reasonable opportunity to be heard with regard to the question of the reasonable necessity for such permit, and subject to reasonable terms and conditions as to the compensation and division of the costs of maintenance and regulations of the time and manner of operation of cars; and said permits shall in no case take effect until said terms and conditions shall have been determined, as follows, to-wit:

When such permit is granted, the City Council shall name a time within which the parties may agree upon said terms and conditions.

If within the time so named the parties cannot agree, the matter shall be submitted to three arbitrators, one

to be chosen by each of the parties, and the third by these two. An award of any two thereof shall be final and binding upon both parties. If no such award is made within ninety days after appointment of the arbitrators, the City Council may by resolution prescribe the terms and conditions, and same shall be final and binding on both parties.

And in case any new line of street railway or any interurban railway shall be constructed in the city limits, of the said City of Beaumont by any other company than said grantee, the city reserves the power to require the grantee hereof and such other company or companies to provide interchangeable transfers which shall be mutually accepted; provided, that no such requirement will ever be made by the City Council unless at the same time reasonable provisions shall be made by the City Council governing division of fares for such connected service; and provided further, that the city will only exercise this power when reasonably necessary for the public interest or convenience.

SECTION XVIII.

GUAGE AND LOCATION OF TRACTS.

That the grantee shall maintain standard guage lines such as are now in use, and in all future construction, unless otherwise provided by ordinance, shall keep its tracks midway of the streets and when a double track is permitted shall lay its double tracks or switches on each side of the middle of the streets, covering no greater part of the street than is reasonably necessary for safe passage of cars; and it shall have the right to lay double tracks on such portions of the streets covered by this franchise as it shall hereafter obtain special permission for from the City Council.

SECTION XIX.

RECOVERY OF EXPENDITURE BY CITY.

That in any case where it is herein provided that the

grantee shall perform any act and it shall fail to do so upon reasonable notice from the Mayor of the City of Beaumont of a requirement by the City Council that it should do such act, the City shall have the right in addition to all other rights and remedies herein provided to do or order same to be done by, and at the cost of the city, and the cost thereof, with six per cent interest per annum shall be paid to the city by the grantee herein, on demand by the city for the payment thereof; and in the event of failure to make payment thereof to the city within thirty days after demand, said indebtedness shall thereafter bear interest until paid at the rate of ten per cent per annum instead of six per cent, and the city shall be entitled after demand to at once sue for and recover judgment against said grantee, for the full amount of said indebtedness, and interest, and in addition thereto, a penalty amounting to ten per cent of such principal and interest, and all costs of said suit.

SECTION XX.

LIEN OF CITY.

That in every case where any sum of money, whether by way of debt, fine, forfeit, penalty or otherwise, shall become payable from the grantee to the City of Beaumont under any provision of this ordinance the same shall be a lien upon all poles, wires, rails, tracks, cars, franchises and other property of the grantee in the City of Beaumont, and as to all of said property the lien of the city shall have preference and priority over all mortgages and other liens, except liens for State, County and municipal taxes; and all persons claiming any right or interest in said properties under the grantee, whether under contract executed before or after the accrual of such claim in favor of the city, must take notice hereof and postpone their claims to the said claims of the city.

SECTION XXI.

ANNUAL REPORTS.

That for the purpose of enabling the city to deter-

mine from time to time the schedules to be maintained and for enabling the city to frame reasonable ordinances relative to the said grantee and to determine the amount of compensation to be paid under Section 5 hereof, the grantee shall make to the City Council annual reports showing its gross receipts from all sources; the amount of its stock and bonds outstanding and the actual sums received by it for them; the interest due upon its bonds; all other indebtedness of the grantee; the number and classes of its employees and salaries paid to each class; all other expenses incurred by it in sufficient detail to render them conveniently intelligible. Should the City Council desire additional information for the purpose of this section, it may have the books of the grantee audited or cause them to be produced before it for inspection at any meeting; may call the employees of the grantee or call any person before it to give evidence upon the matters and things then under inquiry, and compel their attendance, as provided in Section 97 of the City Charter; and the grantee shall keep all of its books at its office in the City of Beaumont, so that same may be accessible at all times.

SECTION XXII.

SUCCESSORS AND ASSIGNS.

That every duty, obligation and restriction herein imposed upon the grantee, Beaumont Traction Company, shall be deemed to have been assumed by and apply to and be binding upon any person, firm or corporation succeeding to the Beaumont Traction Company in the operation of said railway lines; and all rights, claims, liens, remedies, penalties, fines and forfeitures herein provided in favor of the City of Beaumont against the Beaumont Traction Company, shall also exist in favor of said city against any successor, receiver or assign of said Beaumont Traction Company.

SECTION XXIII.

EXTENSION OF LINES.

That the grantee shall extend its existing lines or

build additional lines of street railway along the streets leading into any territory within the city limits, when required so to do by resolution of two-thirds of the City Council; provided such extensions shall not be required by the City Council unless after due notice to the grantee and a hearing upon the matter, it shall appear to the Council that such extension will yield an additional gross annual revenue sufficient to pay the additional operating expense to the grantee entailed by reason of such extension of its lines, together with interest at the rate of seven per cent on the cost of said construction and the extra equipment required to operate such extensions.

The cost of such operation shall be determined by comparison with the average cost per car per mile of all cars operated by the grantee for twelve months preceding the hearing.

Provided, that no extensions shall be required for three years after the acceptance of this ordinance, and that in no event shall such extensions be thereafter required to an extent in access of an average of one track mile in every three years. Provided, that any extensions voluntarily made by the grantee shall not limit or affect the city's rights to require extensions as herein provided.

And provided further, that in the event of a disagreement between the City Council and the grantee as to whether the proposed extension will yield the additional gross annual revenue hereinbefore required the matter shall be referred to three competent persons as arbitrators, one to be selected by the Mayor of the City of Beaumont, and one by the grantee and the third by these two; the decision of any two of the said arbitrators to be final and binding upon both parties; and the reasonable compensation for such third arbitrator as may be chosen to be equally divided between the grantee and the said City of Beaumont.

SECTION XXIV.

TERMINATIONS AND FORFEITURES.

That this franchise shall stand terminated at the end

of the term limited by Section 1 of this ordinance unless it shall be terminated sooner by default of said grantee, its successors or assigns, as provided in other sections of this ordinance, or by default of said grantee, its successors or assigns under the provisions of this section as ascertained by a judgment of a court of competent jurisdiction in a suit to which said City of Beaumont and said grantee, its successors or assigns, are parties and in which the forfeiture of this franchise is sought.

This franchise and all amendments thereto under which the grantee, its successors or assigns, may hereafter be operating its lines of railway in the City of Beaumont may be forfeited and so adjudged by decree in a proper proceeding in a court of competent jurisdiction, for the following causes, in addition to all other causes in this ordinance provided, to-wit:

FIRST. Persistent or repeated failure on the part of the grantee, or its agents, amounting to wilfulness or negligence, to maintain any schedule or schedules as provided in this ordinance or which the City Council may hereafter establish pursuant to the provisions of Section 2 of this ordinance; provided, however, a temporary failure to maintain schedules on account of new constructions or reconstruction work on its tracks or foundations thereof, or on account of paving work being done by the city, or on account of strikes reasonably unavoidable, failure of power, accidents or other causes beyond the control of said grantee shall not be a cause for forfeiture of this franchise.

SECOND. Any fraud or intentional deception or concealment practiced by the grantee or its agents in making up and presenting to the city its reports provided for in Section 21 of this ordinance shall be ground for forfeiture of this franchise and all amendments thereof.

THIRD. The grantee herein, Beaumont Traction Company, shall observe faithfully all the obligations herein assumed by it in accepting this franchise; and persistent or continued violation by it amounting to wilfulness or negligence of any of the provisions of this ordinance

after reasonable notice to remedy or desist therefrom shall be a ground for forfeiture of this franchise, and all amendments thereof, and all rights and privileges of the grantee thereunder, regardless of any other remedy provided herein or authorized in law or equity.

The forfeiture of this franchise from any cause, after its acceptance, as provided in this franchise shall not in any manner, revive, renew or restore any of the former franchises, permits, rights, or privileges of the grantee, which, upon acceptance of this franchise are repealed and cancelled by the provisions of Section 1 of this ordinance.

SECTION XXV.

PENALTIES FOR FAILURE OF SCHEDULES.

That in the event the grantee, its officers, or agents shall wilfully or negligently fail to maintain any schedule or schedules as in this ordinance provided, or which the City Council may hereafter legally establish pursuant to the provisions of Section 11 of this ordinance, (temporary delays on account of new construction, or reconstruction work on its tracks or foundations thereof, on account of paving work being done by the city, or on account of strikes or reasonably unavoidable failure of power, accidents or other causes beyond the control of said grantee being excepted), said grantee shall forfeit and pay to the City of Beaumont a sum not less than $10.00 nor more than $50.00 for each offense; and each day upon which such wilful or negligent default or failure shall occur shall be deemed a separate offense; and the City of Beaumont shall have a first lien of the character, extent and priority defined in Section 20 of this ordinance, upon the property of said grantee for the payment of all such penalties and forfeitures and such penalties and forfeitures may be recovered by the City of Beaumont in any court of competent jurisdiction. Unless the City Council or Mayor has previously notified in writing the grantee or its manager in Beaumont of the city's intention to invoke the remedy herein provided, the city shall be limited in the recovery of penalties to the extent of

ten days prior to filing the suit and such penalties as accrue after filing of such suit. Nothing herein provided shall deprive the city of the right of forfeiture under the provisions for forfeiture in this franchise.

SECTION XXVI.

PENALTIES FOR OTHER FAILURES.

That in the event the grantee, its officers or agents after written notice or warning from the City Council or Mayor of the City of Beaumont to said grantee, shall wilfully or negligently fail to perform any duty imposed upon the grantee by the provisions of this ordinance, said grantee shall forfeit and pay to the City of Beaumont a sum not less than $10.00 nor more than $50.00 for each offense; and each day upon which such wilful or negligent default or failure shall occur, shall be deemed a separate offense; and the City of Beaumont shall have a first lien upon the property of said grantee for the payment of all such penalties and forfeitures, of the character, extent and priority defined in Section 20 of this ordinance and such penalties and forfeitures may be recovered by the City of Beaumont in any court of competent jurisdiction without depriving the city of its rights of forfeiture under the provisions for forfeiture in this franchise.

SECTION XVII.

POLES, WIRES, ETC.

That the grantee is hereby authorized to erect and maintain a system of overhead wires above its street railway in the City of Beaumont for the purpose of conducting electric current and to use the rails for return circuit, or it may use overhead wires for the return circuit; it is authorized to operate electric generators to generate the current with which to propel the cars upon said street railway; it is authorized to erect poles to place the wires upon said poles to be placed on the outside edge of the sidewalk within the curb lines, and said poles to be not less than 100 feet apart; and to be straight, shapely, of uniform size and thoroughly painted of such color as the

city council may direct; all poles, overhead wires and fixtures to be first class in every respect, fitted with proper safeguards, and to be at all times kept in good repair, and replaced and renewed when needed. Provided that the location of all poles hereafter erected shall be placed under the supervision of the City Engineer.

That the rights and privileges granted by this section shall apply on such portions of the streets of the City of Beaumont as said grantee does now or shall hereafter be authorized to operate its street railway upon; and said grantee is authorized to construct and maintain feed wires upon its poles along its lines of street railways now or hereafter operated by it; and may also maintain and operate such additional feed and return current wires as are now in use.

But no feed or return current wires in addition to those now in use shall be erected without permission of the City Council of the City of Beaumont; and all such feed wires shall be thoroughly insulated and shall be constructed and maintained in good order and condition.

That when new lines, or extensions of present lines are to be constructed, or renewals are to be made on any lines, the City Council shall be authorized and empowered to prescribe therefor the size, character, quality and height of poles, overhead wires, fixtures, and safe-guards to be used by said grantee.

SECTION XXVIII.

VESTIBULES.

That each end of every car operated by the grantee shall be provided with a screen or vestibule which shall fully protect the persons operating said car from wind and weather on all cars operated between November 1st of each year and April 1st of the next year.

SECTION XXIX.

SEPARATION OF RACES.

That the grantee shall at all times make provision

for the separation of white and negro passengers upon its cars in such manner as may be prescribed by the City Council of the City of Beaumont or by the laws of the State of Texas.

SECTION XXX.

REGULATIONS.

That the City Council of the City of Beaumont shall have authority to enact ordinances regulating the speed of the cars; requiring the use of fenders and other reasonable safe-guards on cars; and to make other reasonable regulations and requirements governing the operation of cars for the convenience and safety of passengers and the public.

That the grantee,, its successors and assigns, shall own, maintain and operate its street railway in the City of Beaumont under the rights and privileges granted by this ordinance, subject to the provisions of the Charter of the City of Beaumont, all ordinances passed pursuant to the provisions of this ordinance and all other legal ordinances which may be enacted by the City Council of the City of Beaumont, in the exercise of its legal police powers or pursuant to its charter.

Provided, that as regards the power of the City Council to require the illumination by the grantee of the streets over which its tracks run, the measure of the right of the City Council shall be the measure stipulated in Section 35 of this ordinance.

SECTION XXXI.

DISMISSAL OF RECEIVERSHIP.

That in the event the receivership suit now pending in the United States Circuit Court for the Eastern District of Texas at Beaumont, being Cause No. 157 in equity, entitled Interstate Trust and Banking Company vs. Beaumont Traction Company, shall not be disposed of and the receiver discharged, and the properties of the grantee be

delivered to it within twenty-one (21) months after the acceptance of this franchise, then and in that event this ordinance and franchise shall thereupon stand cancelled, revoked and repealed without need of judicial ascertainment, and all previous franchises, rights and privileges held by said grantee by virtue of the ordinance and permits hereinbefore mentioned, and which are repealed by Section 1 hereof shall not be thereby revived, but shall remain cancelled, revoked and repealed.

SECTION XXXII.

INDEMNIFYING CITY.

That the grantee shall hold the city harmless from any damages or injuries as to property or persons that may be occasioned by, or in connection with the construction or operation of said electric street railway system, or in connection with the improvement or repair of said system or of any streets by the grantee

SECTION XXXIII

ACCEPTANCE.

This ordinance shall become effective upon acceptance thirty (30) days after passage hereof, which acceptance shall be made by fulfillment of the following terms and conditions, and be filed not later than January 13th, 1911:

FIRST. The filing with the City Secretary of the City of Beaumont of a writing signed and sealed in the name and on behalf of the grantee, by its President and Secretary, formally accepting the rights, privileges and franchises conferred by this ordinance, and accepting and agreeing to the bound by all said terms and conditions thereof, such writing to be accompanied by a certified copy of resolutions duly adopted by the stockholders and the Board of Directors of the grantee authorizing the execution of such writing.

SECOND. The filing with the City Secretary of the City of Beaumont an instrument in writing duly exe-

cuted and acknowledged by the trustee of the bondholders of said grantee, and also executed by the holders of all bonds of said grantee, agreeing to the acceptance of this ordinance by said grantee and ratifying the same; provided, if the holders of at least two-thirds of the bonds give such consent, the City Council may accept in lieu of the consent of the remaining bondholders a good and sufficient bond by the grantee in not less than the amount of such remaining bonds guaranteeing the city against any claim by the holders of such remaining bonds against the binding force of this franchise upon them, such bond to be subject to approval by the City Council.

THIRD. The filing with the City Secretary of the City of Beaumont of an instrument in writing, signed by the receiver of the Beaumont Traction Company, ratifying the Traction Company's Company's acceptance of this franchise, said instrument to be first authorized by an order of the United States Circuit Court for the Eastern District of Texas, a certified copy of which shall accompany said instrument or ratification, and be approved by the Mayor and City Attorney before being received and filed by the City Secretary.

FOURTH. The furnishing to the City Secretary of the City of Beaumont of satisfactory assurance as provided in Section 30 of this ordinance.

FIFTH. Upon the payment to the City of Beaumont of the indebtedness of the grantee to the City of Beaumont in the sum of $4039.97 covering the city's claim for paving on Magnolia and Liberty Avenues, and for paving the intersection of Park and Bowie Streets; and the sum of $500.00 additional to cover fee of the city to its special attorney for services in connection with this ordinance.

If the foregoing provisions of this section shall not be complied with on or before January 13th, 1911, then this ordinance shall at once become void and of no force or effect, and stand repealed without further action by the City Council, unless the time for compliance with the pro-

visions of this section shall be extended by the City Council of the City of Beaumont for reasons deemed sufficient by it.

If this ordinance shall be accepted and become effective in the manner provided in this section, then the suits of the City of Beaumont against the grantee in the State Court, now pending, and hereinbefore referred to, shall at once be dismissed by the City of Beaumont at the cost of said grantee.

SECTION XXXIV.

FIRST CLASS IN TWELVE MONTHS.

That the grantee shall equip and put its entire street railway system in the City of Beaumont in first class order and condition, including its tracks, bonding of rails, overhead work, cars, power plant, repair of its portion of streets as required herein, and concrete foundations under tracks on streets specified in Section 7 hereof, within a period of twelve months from the acceptance of this franchise, and thereafter maintain same in first class order and condition, and operate same in accordance with the provisions of this ordinance during the period of this franchise; and before this franchise shall become effective, said grantee shall furnish satisfactory assurance to the City Council of the City of Beaumont that it has made the necessary financial arrangements, and will place its entire system in first class order and condition as aforesaid within said twelve months; and upon a failure by the grantee to furnish such satisfactory assurance by the time allowed, said grantee to signify its acceptance of this franchise as hereinbefore provided, or a failure by the grantee to fully comply with its obligation to equip and put its entire system of street railway in first class order and condition as above provided within twelve months after the acceptance of this franchise, (delays due to strikes, bad weather, or other causes beyond the control of the said grantee, excepted), unless the City Council of the City of Beaumont extends the time thereof, this ordinance and all rights, privileges and franchises

hereunder, shall at once stand cancelled and forfeited and revoked

SECTION XXXV.

LIGHTS.

The grantee shall illuminate the streets over which its lines extend at such points and places thereon as shall be designated by the City Council, whenever the City Council shall by resolution require said illumination.

The lights therefor shall not be less candle power than the arc lights in use by the city for general street street lights and shall be of such character, kind and size as may be designated from time to time by resolution of the City Council.

Provided, that the grantee herein shall not be required to furnish more lights than they have street miles of track in the city. And provided further, that a mapority of the street mile track shall be considered a mile for this purpose.

SECTION XXXVI.

MOVING OF TRACKS.

That the grantee, shall, whenever required to do so by the City Council of the City of Beaumont move and permit to be removed, any of its tracks in or near the center of a street or streets near to one side of such street or streets, to enable the city or the holder of a franchise from the city to construct an additional track upon such street or streets, provided the grantee shall not be required to bear any part of the expense of moving its tracks, and provided the street is of sufficient width to permit such moving.

SECTION XXXVII.

CONSOLIDATION OF RAILWAYS.

The street railway of the grantee herein shall not, as to ownership, control or operation, be consolidated with any other street railway or interurban in the City of

Beaumont, without the consent of the City Council granted by ordinance and duly adopted.

SECTION XVIII.

The term "City Council" as used in this ordinance shall be construed to mean the City Council of the City of Beaumont, or other governing body of said city, by whatever name such body shall hereafter be designated.

SECTION XXXIX.
CREDITORS LIENS.

That upon the acceptance of this ordinance, the amount of the judgments heretofore recovered by H. R. Collier, P. K. Ridley, Jemina Helile, and other existing judgments of creditors against the grantee shall constitute liens upon all the properties of every kind of the grantee, its successors and assigns, and the proceeds of the sale thereof, in case same shall be sold, and such lien shall be prior to the lien of the holders of all bonds of the grantee, as well as prior to all other liens and indebtedness of every kind and character due by the grantee, its successors and assigns, save and except debts or obligations due or which may become due the City, County or State; and said debts due said creditors shall be paid within fifteen months from the date of the acceptance of this ordinance; and in the event they be not paid within that time, then and in that event, the said creditors shall have a right to foreclose their said liens and to require a sale of the property of the grantee.

SECTION XXXIX A.
STOCKS AND BONDS.

That the grantee herein shall not issue any stock and bonds over and above the amount of stocks and bonds now issued except for betterment and extension, without the express consent of the City Council, or other governing body of the City of Beaumont.

SECTION XL.
REPEALING CLAUSE.

That all ordinances and parts of ordinances of the

City of Beaumont to the extent that they conflict with this ordinance, be and the same are hereby repealed upon this ordinance being accepted and becoming effective in the manner provided in Section 33 of this ordinance.

SECTION XLI.

PASSAGE CLAUSE.

This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, acceptance by the grantee as provided in this ordinance, and lawful publication, as provided by the Charter of the City of Beaumont.

Passed this the 3rd day of January, A. D. 1911.

Approved by the Mayor, this 3rd day of January, A. D. 1911.

EMMETT A. FLETCHER, Mayor.

ATTEST:

J. G. SUTTON, City Secretary.

CHAPTER XII.

SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY.

AN ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right to erect and maintain telephone poles and wires upon public streets in said city is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, also such necessary fixtures, necessary and convenient for the purpose of supplying to the citizens of said city, and the public communication by telephone or other electrical device for telephone purposes, all such right and use, to be and continue upon the conditions herein stated.

Sec. 2. The location of the poles or any change or extensions thereof shall be done under the direction of the Committee on Streets and Bridges of said City Council.

Sec. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said city free and harmless from all damages arising by reason of any abuse or negligence in said occupancy. Said poles shall be so placed so as not to interfere with the flow of water in any sewer, gas pipe, drain or gutter, and in case of bringing to grade or changing grade of any street or alley, said poles, shall by said company, be reset so as to conform thereto. And this grant is made, and is to be enjoyed, subject to all such reasonable regulations and ordinances of a police nature as said City Council may be authorized or see proper to, at any time, adopt, not destructive of the rights herein granted.

Sec. 4. The right of use here given shall not be exclusive, and the City Council reserves the power to grant like rights of use to others for similar uses, the same,

however, not to interfere with the proper exercises of the privilege herein granted.

Sec. 5. In further consideration whereof said Southwestern Telegraph and Telephone Company shall agree to allow the city at any time to attach to any of said poles, on the upper arm, the city fire alarm wires or police lines, and said poles are made a municipal instrumentality for that purpose; provided, such attachments and said city use shall not be so made or permitted as to interfere with the said company's use, and said attachments shall be made and maintained under the direction of said company's manager in said city. The said company is to furnish for the city's business, and without charge and with exchange service so long as exchange is maintained hereunder, one telephone is maintained at the Mayor's office.

Sec. 6. This ordinance shall take effect from and after its passage and the unconditional acceptance thereof filed in writing in the office of the City Clerk by said company.

Acceptance filed March 2nd, 1898.

SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right to erect and maintain telephone poles and wires upon public streets in said city is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, also such necessary fixtures, necessary and convenient for the purpose of supplying to the citizens of said city, and the public communication by telephone or other electrical device for telephone purposes, all such right and use, to be and continue upon the conditions herein stated.

Sec. 2. The location of the poles or any changes or extensions thereof shall be done under the direction of the Committee on Streets and Bridges of the said City Council.

Sec. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways and said company shall hold said city free and harmless from all damages arising by reason of any abuse or negligence in said occupancy. Said poles shall be so placed so as not to interfere with the flow of water in any sewer, gas pipe, drain or gutter, and in case of bringing to grade or changing grade of any street or alley, said poles, shall by said company, be reset so as to conform thereto. And this grant is made, and is to be enjoyed subject to all such reasonable regulations and ordinances of a police nature as said City Council may be authorized or see proper to at any time, adopt, not destructive of the rights herein granted.

Sec. 4. The right of use here given shall not be exclusive, and the City Council reserves the power to grant like rights of use to others for similar uses, the same, however, not to interfere with the proper exercise of the privilege herein granted.

Sec. 5. In further consideration whereof said South-

western Telegraph and Telephone Company shall agree to allow the city at any time to attach to any of said poles, on the upper arm, the city fire alarm wires or police lines, and said poles are made a municipal instrumentality for that purpose; provided, said attachments and said city use shall not be made or permitted as to interfere with the said company's use, and said attachments shall be made and maintained under the direction of said company's manager in said city. The said company is to furnish for the city's business, and without charge, and with exchange service, so long as an exchange is maintained hereunder, one telephone at the Mayor's office.

Sec. 6. This ordinance shall take effect from and after its passage and the unconditional acceptance thereof filed in writing in the office of the City Clerk by said company.

Acceptance filed March 2nd, 1898.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns to construct underground conduits along and under all streets, alleys and public grounds of the City of Beaumont, and to place therein its wires and cables, and connect such wires and cables so placed with its overhead telephone construction in said City of Beaumont, and such other overhead construction as may from time to time be convenient and necessary for the purpose of operating its telephone system in said City of Beaumont, and to maintain and operate the same so connected and placed for the term of twenty-five years from the date of the passage of this ordinance.

Sec. 2. Said underground conduits shall be placed along such sides of said streets and alleys as may be provided by the City Council. The said underground construction shall not be required to be done immediately, but parts of same shall be done from time to time during the term of this franchise at such times as in the opinion

of the said Southwestern Telegraph and Telephone Company the same may be necessary for the proper maintenance and operation of said company's telephone plant and exchange in said city.

The said conduits and wires shall be so placed and maintained as not to incommode travel in said highways after the same are constructed, and said telephone company shall hold said city free from all damages that may be recovered against it by reason of any negligence on the part of said company in the construction, maintenance and operation of said telephone plant.

The rights herein granted are not exclusive, but the City Council may grant similar rights to any person or corporation, at any time, provided such grants shall not interfere with the proper execution of the privileges herein granted.

Sec. 5. The said telephone company agrees to furnish the said City of Beaumont and the said City of Beaumont hereby agrees to rent from the said telephone company at least ten (10) telephones continually, to be connected with the said telephone company's exchange in said office and placed in offices and buildings used by the said city, for the period of five years from the date of the passage of this ordinance, for which and for all other telephones furnished by the said telephone company to the said City of Beaumont, the said City of Beaumont shall pay to the said telephone company each month the same monthly charge as is made by said telephone company to other patrons connected with said telephone company's exchange in said City of Beaumont for similar service.

Sec. 6. In consideration of this grant the said Southwestern Telegraph and Telephone Company shall place one duct in said conduits for the use of said city in placing its fire alarm or police wires, provided that no high potential wires or lights or power wires shall ever be placed in said duct. And as further consideration of this grant, said company shall pay to said city the sum of three hundred and fifty ($350.00) dollars per year, pay-

able on the first day of January in each and every year during the life of this franchise.

Sec. 7. This ordinance shall take effect and be in force from and after its passage and filing by said company of an unconditional written acceptance of the terms of this franchise in the office of the City Secrtary of said city.

Passed this 3rd day of May, 1910.

Written acceptance.

Dallas, Texas, May 9th, 1910.

To the City of Beaumont, Texas:

The undersigned, the Southwestern Telegraph and Telephone Company, does hereby unconditionally accept the terms of that certain ordinance, entitled:

"An ordinance, granting the Southwestern Telegraph and Telephone Company the right to construct underground conduits in the streets, alleys and public grounds of the City of Beaumont, and to place its wires, cables and conductors in the same, and to connect the same with its overhead telephone construction in said city, and to operate and maintain the same so placed and so connected for the term of twenty-five years."

Said ordinance having been passed by the City Council of the City of Beaumont, on the 3rd day of May, 1910, and being an ordinance granting a franchise to the said The SouthWestern Telegraph and Telephone Company as indicated in the title thereof hereinabove quoted.

Very respectfully,

The Southwestern Telegraph and Telephone Company.

By J. E. Farnsworth,

Vice-Pres. and General Mgr.

CHAPTER XIII.

POSTAL TELEGRAPH AND CABLE COMPANY OF TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the right is hereby granted to the Postal Telegraph and Cable Company of Texas, its successors and assigns, to construct, operate and maintain its lines of telegraph poles and wires, fixtures and appurtenances upon, along and over the streets and alleys and public ways of the City of Beaumont, subject to the laws and ordinances now in force, regulating the construction and maintenance of such lines of poles and wires.

Sec. 2. That said line of poles and wires shall be so erected and maintained as not to obstruct the travel upon said streets, nor interfere with the flow of water in any pipe, drain, ditch or culvert, and in the event of change of grade, or bringing to grade, any of the streets, alleys or public ways, said poles shall by said company be so changed or set, at its own expense, as to conform thereto and said company shall have and hold said city free and harmless from all or any damages arising from ar caused by the construction or maintenance of said line of poles and wires; and the acceptance by said company of the terms and provisions of this ordinance shall bind said company to submit to and comply with all reasonable regulations which may hereafter be imposed by said city

Sec. 3. That this grant shall not be exclusive, and the city reserves the right to grant like rights of use of public streets to others for similar uses; provided, that such uses shall not prevent or interfere with the proper exercise of the rights and privileges herein granted.

Sec. 4. That the location of said poles shall be under the direction of the Street and Bridge Committee and City Engineer, subject to the approval of the City Council.

Sec. 5. The construction and erection of said line of poles and wires within said city shall be commenced within three months of the passage of this ordinance, and shall be completed within six months from that date. Upon failure of said company to comply with these requirements, or with any other requirements of this ordinance, all its rights hereunder shall be forfeited and said city shall have the right by ordinance to declare this contract annulled.

Sec. 6. In consideration whereof, the said City of Beaumont may have the right to use as much of the upper cross-arm of said poles as may be necessary for its fire alarm and police telegraph wires; provided, that said city's use of said poles shall not be so made or continued as to in any manner obstruct or interfere with the use of said poles by said telegraph company, and all work of placing wires or fixtures of said city upon said poles shall be done under the direction of the Telegraph company's manager in said city.

Sec. 7. That this ordinance shall take effect and be in force from and after its passage and approval and filing by said telegraph company of its unconditional acceptance of the term thereof.

CHAPTER XIV.

S. H. VAN WORMER AND OTHERS.

BEAUMONT TELEPHONE COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the grant and privilege be and the same is hereby given and granted by the City of Beaumont, Texas, to S. H. Van Wormer, M. D. Shaw, W. H. Aldridge and O. L. Brailey, their associates and assigns and to a corporation which they may hereafter organize to be called "The Beaumont Telephone Company" to build, erect and maintain for twenty-five (25) years after the passage of this ordinance, a system of telephones of telephone exchange in the city of Beaumont, Texas, and subject to the rights, conditions and terms hereinafter expressed for the purpose of supplying and furnishing the citizens and public at large, service and communication by telephone and to that end, erect and maintain poles and stretch wires upon the streets and alleys of the City of Beaumont, Texas.

Sec. 2. All poles shall be located in such places and be of such height and dimensions as may be directed by the Street Commissioner or the Chairman of the Street Committee of the City Council.

Sec. 3. Said poles and wires shall be placed and maintained so as not to interfere with the travel on said streets and highways of the City of Beaumont, Texas and said S. H. Van Wormer, W. H. Aldridge, M. D. Shaw and

O. L. Brailey, their associates and assigns shall hold said city free and harmless from all damages arising by reason of their erection and maintenance of said poles or wires upon the streets, alleys or highways of the city. Said poles shall be so placed as not to interfere with the flow of water in any sewer, gas pipe or drain or gulley and in case of making the grade or changing the lines or curves in any street or alley, said poles shall, by said company, be reset so as to conform thereto. And this grant is made and to be enjoyed subject to all ordinances or laws of the City of Beaumont, in force, to all reasonable regulations and ordinances of a police nature as said city or its City Council will be authorized and see proper to adopt.

Sec. 4. The rights to use, herein given, shall not be exclusive and the City Council reserves the power to grant like right or use to others for similar uses, the same, however, not to interfere with the proper exercise of the privileges herein granted.

Sec. 5. This grant and privilege is conditioned as follows:

Said grantees, their associates and assigns, shall, within one month from the passage of this ordinance, incorporate said enterprise under the laws of the State of Texas, and the main office of which corporation shall be and remain for twenty-five years next after such incorporation in the City of Beaumont, Texas, and said grantees, their heirs and assigns, shall proceed with the building and equipment of a system of telephones or telephone exchange and toll lines in the City of Beaumont, Texas, with reasonable and fair dispatch and, in the erection and building thereof, employ Beaumont laboring men as far as practicable for expert and non-expert labor, and further consideration, that all wires, located inthe business center of the city on two principal streets, that the Chairman of the Committee on Streets may designate, not exceeding one-half mile on each street, shall be conveyed in underground conduits and such other portion of such exchange as the City Council, may from time to time, re-

quire shall be put underground upon six months' notice, and further conditioned that said grantees, their associates and assigns, shall furnish the citizens and inhabitants, corporations or business firms of the City of Beaumont, telephone connections with their systems and full telephone service at a rate not to exceed three ($3.00) dollars per month rental for each telephone in business places and offices, and not to exceed two (2.00) dollars per month for each telephone in residences, payable quarterly or monthly in advance at the discretion of the subscriber, all telephones to be long distance telephones with full metallic circuit.

Said grantees, their associates and assigns, in consideration of the said city using the same shall provide, at the expense of the said grantees, their associates and assigns, for the free use of the police and fire alarm system in the said city, the two inside pins of the top cross arm of any pole route, provided that said wire shall not be used for the transfer of electrical current of such character or in such manner as to impair the efficiency of the wire of the telephone company. The said grantee, their associates and assigns, in consideration of the city using the same, shall furnish the City of Beaumont, six 'phones free of charge for the use of the city and the fire alarm stations as the Council may direct, telephone connections with said exchange for and during the period of twenty-five years and will rent any further telephones needed by the city at the rate of two ($2.00) dollars per month.

And further provided, that the said grantees, their associates and assigns, shall within three months from the passage of this ordinance proceed with the work of constructing said telephone plant; and further conditioned, that said telephone system or plant shall be complete and ready for operation within eighteen (18) months after the final passage of this ordinance, unless retarded by great stress of weather or other unavoidable delay.

Sec. 6. Said S. H. Van Wormer, W. H. Aldridge, M. D. Shaw, and O. L. Brailey, their associates and as-

signs, by accepting under this grant, expressly agree that beginning with the expiration of eighteen months, they will at all times, during the remainder of said twenty-five years, operate and maintain said telephone line, exchange and system in first class order and furnish good service to the patrons.

Sec. 7. Said S. H. Van Wormer, M. D. Shaw, W. H. Aldridge and O. L. Brailey, their associates and assigns, shall agree upon accepting the grant, under this ordinance, that they will pay tax upon the reasonable value of this franchise and shall signify their acceptance of this grant and agreement to the provisions thereof by an instrument of writing distinctly setting forth said acceptance and agreement, which instrument of writing shall be attached to this ordinance and made a part of the records as such.

Approved this 10th day of May, 1901.

CHAPTER XV.

BEAUMONT WATER WORKS COMPANY.

Contract for Lease of Water Works.

THE STATE OF TEXAS,
County of Jefferson.

This agreement made this, the 3rd day of July, 1888, between the City of Beaumont, of said County and State, party of the first part, acting by and through its Mayor and Board of Aldermen, and Thomas and Gorman, a firm composed of W. E. Thomas and O. J. Gorman, witnesseth:

That the said City of Beaumont, party of the first part, has agreed to let, and hereby does let, to the said Thomas and Gorman, party of the second part, and the said party of the second part has agreed to take, and does hereby take, from the party of the first part, the plant known as the Beaumont Water Works, a system of water works recently built and erected within the corporate limits of the City of Beaumont, together with all buildings and appliances, tools, implements and machinery and the half lot of ground whereon is erected the stand pipe and engine house, together with any and every thing that belongs to or is a part of said water works system, for a term of thirty (30) years, to commence on the 3rd day of July, 1888, and to end on the 3rd day of July, 1918.

The said party of the second part, as rental for said water works, do hereby agree and bind themselves that they, or their assigns, as hereinafter provided, shall furnish the said City of Beaumont free of charge or expense to said city, for the full term of this lease, to-wit: thirty years, water for one drinking fountain to be erected and placed by said city; water for the city hall, and for any public school building (connections to be made by said city) and for fire protection, and for flushing gutters and sewers, as the sanitary conditions of said city may from time to time require—all within the limits of said city. Fire hydrants to the extent of sixty (60) in number, forty-two of which are now erected, the remaining eighteen to

be hereafter erected at the expense of the city, unless otherwise mutually agreed, at such times and place as the city may determine; provided, however, that said city shall have the entire control of the location of said hydrants of said water works system, and may change the location and situation of any or all of them at its own expense so as to fully meet the needs and requirements of said city for the use and purposes above named; provided, further, that all of said hydrants shall be located within the limits of the city, and provided further, that nothing in this contract shall be construed as prohibiting either party hereto making such additional hydrants, extensions of mains or other fixtures necessary to best fulfill the object and design of said water works, and to meet the growth and want of said city—all of said additions and extensions being, however, at the option of and under the management and control of said city. It is, however, agreed and understood that all additional hydrants over and above the sixty herein named, erected and placed within said city limits, shall be subject to the following conditions, to-wit: That one of such additional hydrants shall be placed on every three hundred and sixty feet of main pipe. That if said extensions of main and hydrants are made at the expense of said city, then said city, party of the first part, is to pay said party of the second part for each said additional hydrants, the sum of twenty dollars per annum from the date of erection to the expiration of this lease. That if said extensions of main and hydrants are made at the expense of said party of the second part, then said city, party of the first part, is to pay to said party of the second part for each of said additional hydrants, so placed and erected by said party of the second part, the sum of sixty ($60.00) dollars per annum from the date of erection to the expiration of this lease.

It is further understood that all extensions or additions so made by the party of the second part shall be purchased and paid for by said city at the expiration of this lease at their then valuation to be derived at by disinterested parties. Said parties of the second part, as further

consideration for the lease of said water works, agree that they will keep in the stand pipe thereof water to the height of one hundred feet, or in lieu thereof, and when the water in said stand pipe is less than one hundred feet in height, to maintain a pressure of not less than sixty (60) pounds direct from the pumps upon the mains, unavoidable accidents only excepted. Said parties of the second part further agree and bind themselves to enter into bond in the sum of three thousand dollars, with two or more good and acceptable sureties, payable to the City of Beaumont, conditioned that they will keep said system of water works in first class working condition and repair; that they will regulate their water rating in accordance with the schedule of maximum rates of charges, to be agreed upon and adopted by the City Council from time to time, as the city may see fit to change and alter same, and at the expiration of the term of this lease, to surrender said system of water works to the city in as good condition as when received, reasonable wear and tear only excepted.

It is further agreed that said parties of the second part have entire control and management of all buildings, appliances, tools, implements and machinery, and the mains and hydrants of said water works system, provided that the City of Beaumont, by its officers appointed for that purpose shall have the right to open hydrants and draw water for the public purposes above named, to-wit: To extinguish fire, flush gutters and sewers, for the purposes of test and exercise of the fire department, and that the rights of the city to use said works for the purposes above named shall in no way be restricted and limited; provided, that the quantity of water so used or drawn shall not exceed the normal capacity of said works. It is further agreed and understood that said water works system is not to be sub-let, nor this lease transferred, except by resolution of the City Council, entered upon the minutes and passed at a regular meeting.

And said parties of the second part agree that they will keep said system of water works in first class work-

ing condition, and at the expiration of the term of this lease, to turn over the same in good condition as they now are, reasonable wear and tear only excepted. It is understood and agreed that in case said bonds of said parties of the second part should at any time become invalid by reason of the insolvency of the sureties, or any other reason, that the city shall have the right to demand and require of said parties of the second part a new and additional bond.

It is further agreed that any and all disputes arising between said city and said Thomas and Gorman and their assigns, shall be referred to a board of arbitration and disinterested parties. And if said party of the second part shall at any time default in any of the conditions of this contract, the same shall, at the option of the said City of Beaumont, be void, and the city shall have the right to re-enter and take possession of said system of water works, subject to payment by said city to Thomas and Gorman, or their assigns, for all extensions made by them as aforesaid.

This contract is made in conformity with an agreement to lease said water works, made on the 12th day of July, A. D. 1888, by the City Council with Thomas and Gorman.

Witness said City of Beaumont, by A. S. John, Mayor, with corporate seal attached, and by said Thomas and Gorman, this 3rd day of July, A. D. 1888.

CITY OF BEAUMONT,
By A. S. John, Mayor.
THOMAS AND GORMAN,
Per O. J. Gorman.

THE STATE OF TEAXS,
County of Jefferson.

Before me, W. A. Ives, a Justice of the Peace and ex-officio Notary Public, on this day personally appeared A. S. John and O. J. Gorman, known to me to be the persons whose names are subscribed to the foregoing instrument, and each acknowledged to me that they had executed the same for the purposes and considerations there-

in expressed.

Given under my hand and seal of office, this 3rd day of July, 1888.

SEAL. W. A. IVES,

Justice of the Peace, Jefferson County.

On August 7th, 1888, the following petition was granted, to-wit: The petition of Messrs. Thomas and Gorman for the privilege of transferring their lease of the water works to the Beaumont Ice, Light and Refrigerating Company, presented and on motion it was resolved that petition be granted, and that Messrs. Thomas and Gorman, lesses of the Beaumont Water works system, are hereby authorized and empowered, and by this resolution are granted the privilege of transferring the said lease to the Beaumont Ice, Light and Refrigerating Company and that upon the said Beaumont Ice, Light and Refrigerating Company accepting said transfer and executing the bond required in said lease contract, that said Thomas and Gorman be released from all responsibility on said lease. Motion carried.

THE STATE OF TEAXS,

County of Jefefrson.

Know all men by these presents, that we, the Beaumont Ice, Light and Refrigerating Company, as principal, and Thomas and Gorman, J. W. Keith, and J. A. Gilder, as sureties, are held and firmly bound to pay to the City of Beaumont, the sum of three thousand dollars, to the payment of which, well and truly made, we bind ourselves, our successors, heirs and administrators. The conditions of the above bond is such that if the said Beaumont Ice, Light and Refrigerating Company, lessees of the system of the water works of the City of Beaumont, by virtue of a transfer made on the 14th day of August, A. D. 1889, of a lease contract entered into by the City of Beaumont and Messrs. Thomas and Gorman to said Beaumont Ice, Light and Refrigerating Company, will keep said system of water works in first class condition and repair; that they will regulate their water rating in accordance with schedule maximum rates of

charges, to be agreed upon and adopted by the City Council from time to time, as said city may see fit to change and alter same, and at the expiration of their time of, on, to-wit: the 3rd day of July, A. D. 1918, to surrender said system of water works to said city in as good condition as when received, reasonable wear and tear only excepted.

Witness our hands this the 14th day of August, A. D. 1889.

BEAUMONT ICE, LIGHT AND REFRIGERTING COMPANY.

L. P. Ogden, Vice-Pres.
THOMAS AND GORMAN,
By O. J. Gorman.
J. W. KEITH,
O. J. GILDER,

ATTEST:
O. J. Gorman, Secretary.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Beaumont Water Company, its successorsand assignsare hereby granted the right and franchise to lay, construct and maintain water mains and pipes, and the necessary connections therewith, in, along, through and under the streets of Beaumont and to erect within the city limits all necessary stand pipes and reservoirs for storage water; and to erect and maintain all pumps, pumping station, filtering plants, hydrants and other appliances required for the proper conduct and carrying on of the business of furnishing and supplying water to the public and inhabitants of the City of Beaumont, Texas.

Sec. 2. The Beaumont Water Company, its successors and assigns are hereby required to furnish the water as aforesaid either from the stream known as Village Creek, a fresh water stream tributary to the Neches River in Hardin County, Texas, or from the Neches Riv-

er from a point above the City of Beaumont, Texas, at or near the canal known as the Reliance Canal on said Neches River, or from some other point on said river further up the same; or from artesian wells to be sunk for the purpose of obtaining pure, fresh water, as may be determined by the owners of said franchise; and for the purpose of taking up and supplying said water, the owners of this franchise are permitted to establish their pumping station at such other parts of the water plant as may be required, at a point in the City of Beaumont, at or near the Reliance Mill plant, or such other convenient place as may be required from time to time for said purposes, provided that the source of water supply shall never be located at a point on the river below the Reliance Canal.

Sec. 3. Said company, its successors and assigns, in the laying and constructing of their mains, pipes, pumps, pumping stations, connections, hydrants, etc., shall not in any manner interfere with or injure the pipes, mains, stand pipes, pumps or pumping stations of the water works known as the old original system belonging to the City of Beaumont; and shall lay their pipes and mains and all parts of the water system that may be constructed in the streets and alleys in the City of Beaumont, in a workmanlike manner in accordance with the ordinances of the City of Beaumont and under the direction of its Street and Bridge Committee; provided, that this shall not affect or otherwise disturb that portion of the system that has heretofore been constructed under existing or former franchises, rules or ordinances.

Sec. 4. This company, its successors and assigns, owning this franchise shall have the right to connect their mains and pipes with any house within this city when contracted with to do so; and shall have the right to collect such rates as compensation for water furnished patrons within this city, as may be agreed upon between them and their patrons, subject to the limitations prescribed in Section 6 hereof.

Sec. 5. The said Beaumont Water Company, its

successors and assigns, as owner of this franchise, shall have the right to establish and maintain within the City of Beaumont, natatoriums, bathing pools, and public baths, under such rules and regulations as the City of Beaumont may provide by ordinance.

Sec. 6. During the life of this franchise, the rate charged by said company, its successors and assigns, for water to private consumers shall not exceed fifteen (15) cents per thousand gallons where meters are used, and where meters are not installed and used, flat rates shall be charged not to exceed the following, to-wit, the rates set out in Schedule "A" hereto attached and made a part thereof.

SCHEDULE A. No 1.

Rates for Dwellings.

	Chg. per Quarter
One plain bibb only for private residence.	
Family of five or less	$2.00
Ditto, family of over five	2.25
If used for family laundry, add	.25
One water closet when there are no other fixtures	2.00
One bath tub when there are no other fixtures	2.50
One kitchen sink when there are no other fixtures	2.00
One wash basin when there are no other fixtures	2.00
One water closet with one sink or with one wash basin or with one plain bibb	2.00
One bath tub with any of the above	3.00
For each additional water closet	.50
For each additional sink	.25
For each additional wash basin	.25
For each additional plain bibb	.25
For each additional bath tub	.75

Sprinkling Lawns, Etc.

When two or more fixtures are used, no charge for watering flowers by hand without hose.	No Charge
Lawn sprinklers and hose not held in hand—when in use will be charged at fountain rates.	

Fountain Rates.	Special or Meter.
Lawns under 1000 sq. ft., hose in hand	$ .50
Lawns 1000 sq. ft. to 2000 sq. ft., hose in hand	.75
Lawns 2000 sq. ft. to 3000 sq. ft., hose in hand	1.00
Lawns 4000 sq. ft. to 6000 sq. ft., hose in hand	1.50

Where quarterly bill is over $4.00 a reduction of 50 per cent on above charge for sprinkling will be made.

Private Stables.

One horse, including hydrant for carriage	$ .50
Two horses, including hydrant for carriage	.75
Each additional horse	.25
Cows each	.25
Where there is no hose connection about the premises, each horse	.25
Each cow	.25

Boarding House and Apartment House Rates.

First plain bibb or sink	$2.00
For each boarder or lodger	.25
One bath tub, there being no other fixture in the house	2.50
Bath tub each with other fixtures	1.50
Water closets with other fixtures	1.00
Wash basin each with other fixtures, self closing	.75
Wash basin each with other fixtures not self closing	.75
Urinals with other fixtures	1.25
Laundry tubs with other fixtures	.50
Hot water	No charge

Hotels.

Each boarder or lodger	.25
Plain bibb or sink	2.00
Bath tubs attached to private rooms	.75
Bath tub, others	3.00
Water closets, each, attached to private rooms	.50
Water closets, each, others	2.50
Wash basins in or attached to self-closing faucets, private rooms	.25
Wash basins in or attached to non-self-closing faucets, private rooms	.50
Wash basins, others, self-closing faucets	.75

Wash basins, others, not self-closing faucets.....	1.00
Urinals in or attached to private rooms.....	.50
Urinals, others	2.50
Laundries	Special or Meter.
Hot water	No Charge

Business Buildings.

	One Inside Connection Quarterly	One Outside Connection Quarterly
Under 25 ft.	$3.00	$3.00
25 ft. to 50 ft.	3.50	3.50
50 ft. to 75 ft.	4.00	3.50
75 ft. to 100 ft.....	4.25	3.75
Additional bibbs, each		.75
Water closets, five employees or less.....		3.00
Water closets, each additional five employees.....		.50
Urinals when other fixtures are used, five employees or less		2.00

Drug Stores.

Water closets and urinals	Same as Stores.
Soda fountain and sinks	Special or Meter.

Barber Shops.

Water closets and urinals	**Same as Stores.**
Bath, wash basins, water motors, etc. ..	Special or Meter
Fountains	Special or Meter
Factories	Special or Meter
Laundries	Special or Meter
Saloons	Special or Meter
Restaurants	Special or Meter
Club Houses	Special or Meter
Livery Stables	Special or Meter
Green Houses	Special or Houses
Public Baths	Special or Meter
Other buildings not heretofore or hereafter specified	Special Meter

Office Buildings.

Office containing ten employees or less, having only one outside connection	$3.00

All fixtures for use of building tenants.....
.....Same as in Hotels
Special fixtures for use in office .....Same as in Stores
Charge for shutting off or turning on water..... .50
Minimum charge where meters are used..... 2.25

Wherever flat rates are charged, and consumer is dissatisfied, he shall have the right to put in a meter, at his own expense and take meter rates, and if the Water Company is dissatisfied with flat rates it shall have the right to put in meter at its own expense, and charge meter rates.

Extra charge for the wilful neglect or waste of water, the same to be determined by the City Council.

All urinals must be provided with self closing faucets, and all closets must have tanks with self closing cocks.

Each residence, store or other building using water, must have independent shut off cock controlling same without affecting supply to other buildings.

Sec. 6a. That the mains are to be extended from time to time into new territory, as directed by the City Council; provided that the city may be required to pay for one hydrant in every seven hundred feet of extensions made under the directions of the City Council, and provided that the total extensions so directed shall not exceed the sum of Five Thousand Dollars for any one year after the first year from passage hereof.

Sec. 7. The Beaumont Water Company, its successors and assigns, shall maintain a domestic pressure of not less than forty-five pounds and a fire pressure of not less than sixty pounds to the square inch, to be tested by the city at the Central Fire Station, unavoidable accidents only excepted; and shall furnish an ample supply of good and wholesome drinking water; and the city shall have the right at all times, through its accredited agents, to inspect and analyze the water furnished to ascertain whether or not it is good and wholesome for drinking purposes.

Sec. 8. Said company, its successors and assigns, shall during the life of this franchise furnish to the City of Beaumont, free of charge, one hundred fire hydrants, water for six drinking fountains for the public, and free water for the City Hall and the public school buildings in the City of Beaumont, and for flushing sewers; also for police station and city stable; provided, that the city shall pay for all hydrants over and above the one hundred free hydrants at the rate of Forty-five ($45.00) per annum per hydrant for the first additional two hundred and fifty; and at the rate of forty ($40.00) dollars per annum per hydrant for the next additional two hundred hydrants; and at the rate of thirty ($30.00) dollars per annum per hydrant over and above said numbers; provided further, that the city shall from time to time designate all said city hydrants, both the said one hundred free hydrants and those to be paid for by the city; and provided further, that the said one hundred free hydrants required of the Beaumont Water Company, its successors and assigns, either under franchise held by it or by reason of the lease known as the Thomas and Gorman lease now held by it. Provided, that twenty-five hydrants shall be six-inch base, hydrants to be four or six way (one of which shall be steamer connection) and shall be placed in the Business District not more than 350 feet apart where designated by the City Council; provided, that all other hydrants herein referred to shall be fire hydrants with not less than four inch base and shall have one steamer connection and two 2 1-2 inch hose connections.

Provided, that the free flushing shall not exceed more than an average of 14 hours per week or two hours per day, with a 2 1-2 inch hose; and all water over that for flushing purposes shall be paid for at the rate of 5 cents per thousand gallons.

Sec. 9. Should the Beaumont Water Company, its successors and assigns, decide to exclusively control the tapping of its mains, charges therefor shall be regulated by the City Council.

Sec. 10. The main or pipe connecting the river with the pumping plant shall be at least 24 inches in diameter, or the equivalent thereof, and the pumping machinery and boilers and suction pipes shall be in duplicate; the main from the pumping station to the center of distribution shall be 24 inches in diameter or the equivalent thereof; and the mains hereafter constructed in the business portion of the City of Beaumont shall be at least ten inches in diameter and those hereafter constructed in the residence section of the city shall be at least 6 inches in diameter, except where the mains are to be used exclusively for domestic purposes.

Sec. 11. The terms and obligations of the existiing lease known as the lease from the city to Thomas and Gorman now held through assignmtnts by the Beaumont Water Company, shall continue in force except as herein modified or where the same conflicts or is inconsistent with the provisions hereof; the following exceptions being especially named, to-wit:

1st. The number of free hydrants, as provided hereinbefore, to be furnished by the Beaumont Water Company, its successors and assigns, during the life of this franchise, shall be one hundred instead of sixty; and the city shall pay for the next two hundred and fifty at the rate of $45.00 per annum per hydrant; for the next two hundred at the rate of $40.00 per annum per hydrant, and for all over this at the rate of thirty dollars per annum per hydrant; all city hydrants to be designated by the city from time to time, it being understood that the said one hundred free hydrants shall be the total number of free hydrants required of the said company, its successors and assigns, both under said lease and franchise held.

2nd. The city shall not be required to purchase, nor said company to sell additions or extensions to the old water works system belonging to the city at the expiration of said Thomas and Gorman lease, which occurs on, to-wit, the third day of July, 1918,but such extension shall be subject to Section XII hereof.

3rd. That all hydrants hereafter put in shall be put in at the expense of said company, its successors and assigns, except that the city shall be required to pay for one hydrant in each seven hundred feet of extensions, required by the City Council under Section VI A.

4th. The pressure shall be regulated by Section VII, hereof.

5th. The rates shall be controlled by Section VI, hereof.

Sec. 12. At the expiration of fifty (50) years from the passage hereof, the City of Beaumont shall have the option to buy the water plant of said company, its successors and assigns, and all rights, for seventy-five (75 per cent) of the valuation thereof, which shall be determined by two disinterested and competent persons, experienced in such matters, one of whom is to be appointed by the City of Beaumont, and the other by said company, its successors and assigns, owning said water system. In case the two arbitrators thus appointed cannot agree, they shall select a third, and the decision of the majority of the said three arbitrators so chosen, shall be final and binding on all parties, provided that as regards that part of water system known as the old water system plant, and now owned by the city and held under what is known as the Thomas and Gorman lease, now owned by the Beaumont Water Company, the same shall be surrendered to the City of Beaumont on the third day of July, 1918, in as good condition as when received, reasonable wear and tear deterioration only excepted.

Sec. 13. During the last fifteen (15) years of this franchise no improvements shall be made on the water works system of the Beaumont Water Company, its successors and assigns, without the approval of the city; and at the expiration of fifty (50) years the whole plant, its rights, etc., to be turned over to the City of Beaumont, on the payment of seventy-five (75 per cent) per cent of the value thereof, to be arrived at in the manner prescribed in Section XII hereof.

Sec. 14. That the Beaumont Water Company shall within sixty days from passage hereof actually begin the

work of constructing its pumping station and filtering plant; said filtering plant to be of the approximate capacity of three million gallons per day of twenty-four hours; and shall complete the same within twelve months from the passage hereof, unavoidable accidents and delays only excepted; otherwise this franchise shall, at the option of the city be forfeited; and the rights of the parties shall revert to the original status; and the franchises surrendered by the water company revive and revert to it; and be held by it just as though this ordinance has not been passed; and said company shall within thirty days from the date hereof file its written acceptance of this franchise and grant, and its surrender of present franchises held by it, to-wit: The franchise approved February 6th, 1901, and all amendments thereto; and at its express agreement and consent to the modification of said Thomas and Gorman lease made by the terms hereof; otherwise this ordinance shall become null and void, and the rights of the parties shall revert to their original status, just as though this ordinance has not been passed.

Provided, that nothing herein contained shall be construed so as to affect or impair claims, liens and rights held by third parties against the Beaumont Water Company, or its property; but the same shall remain unimpaired and unprejudiced by anything herein contained. And such liens, claims and rights, as held against the franchises surrendered by said water company shall exist against this as substituted therefor.

That this ordinance take effect and go into force from and after its passage.

Approved May 7th, 1904.

ACCEPTANCE.

TO THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Gentlemen:

Whereas, your honorable body heretofore, on to-wit,

May 7th, 1904, passed and approved an ordinance granting a franchise to the Beaumont Water Company in lieu of former franchises and made certain modifications in the lease executed on to-wit, July 3rd, 1888, to Thomas and Gorman, now held by the Beaumont Water Company, and

Whereas, under the terms of the said ordinance it was made the duty of the Beaumont Water Company to accept the provisions thereof within thirty days from the date of passage and to surrender former franchises, and to agree to modifications of the said lease, and

Whereas, the Beaumont Water Company has, by resolution duly passed by its board of directors and stockholders, authorized the president of the said company to accept said franchise in lieu of its present franchise and to agree to the modifications aforesaid.

Now, therefore, Know all men by these presents: That the Beaumont Water Company, a corporation organized under the Laws of the State of Texas and having its principal office in the City of Beaumont, Texas, for and in consideration of the premises, and for and in consideration of the grant made by said ordinance passed on to-wit, May 7th, 1904, and then approved, does hereby accept the franchise, privileges and grants contained in said ordinance approved May 7th, 1904, in lieu of its former franchise and does hereby agree to the modification of said lease made by said ordinance approved May 7th, 1904, and does hereby surrender the former franchise held by it, to-wit, a franchise evidenced by ordinance approved February 6th, 1901, and all amendments thereto.

In testimony whereof witness the signature of the said corporation by its corporation seal.

SEAL. BEAUMONT WATER COMANY,
By I. D. Polk, President.

ATTEST:

W. C. Arnold, Asst. Secretary.

CHAPTER XVI.

BEAUMONT GAS COMPANY.

HARRY POTTER et al

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the City of Beaumont does hereby grant to the grantees herein to-wit: Harry W. Potter, Frank W. Blackburn, E. V. Hayden, William Blair and Jo. Johnson, their heirs and assigns, a franchise for the purpose of laying, constructing and maintaining pipes of any good and suitable kind or description, in, over and through the streets, alleys and public grounds of said City of Beaumont, for the conveyance of gas and oil, either or both, for any and all purposes and for the erection of gas works or the manufacture, transmitting and distribution of fuel and illuminating gas, to within and through said city, with all mains, service pipes and appurtenances thereto, as may become necessary.

Sec. 2. That said grantee, shall have the right to use any and all the streets and alleys and public grounds of the City of Beaumont, including all its territory hereafter to be acquired for the purpose of laying pipes for the conveyance of gas and oil as aforesaid, for the full period of fifty years with the privilege of renewal on the terms and conditions herein prescribed.

Sec. 3. That said grantee, shall have the right at any time, to connect with any pipes they shall have laid, so as to convey gas and oil, either or both, to any consumption or place of consumption thereof, as they may see proper.

Sec. 4. That all pipes shall be laid so as to preserve street grades and their good condition, and said work shall be done under the direction or the approval of the Chairman of the Street and Bridge Committee or the City Engineer.

Sec. 5. That for and in consideration of this franchise, the grantees agree to and shall furnish and trans-

ERRATA

Beginning at line seventeen, page 493, should read as follows:

AN ORDINANCE.

Recognizing the Beaumont Gas Company as the present owner of and confirming in it the right of the franchise heretofore granted to H. W. Potter, Frank W. Blackburn, E. V. Hayden, Joe Johnson and William Blair, by ordinance approved December 11, 1901, which ordinance granted to said parties, their heirs and assigns, the right to lay, construct and maintain gas and oil mains, laterals and service pipes over and through the streets, alleys and public grounds of the City of Beaumont and to further erect and maintain gas works and manufacture and sell gas and so on, as fully set out in said ordinance; subject, however, to the conditions of said franchise as heretofore granted.

Whereas, the Beaumont Gas Company has presented its petition showing transfers vesting in it title to the gas and oil pipe line franchise heretofore granted, a copy of which said petition and transfers attached are set forth hereinafter marked Exhibit "A."

And whereas, from said petition and transfers exhibited to the City Council, it appears that the Beaumont Gas Company is the present owner of said franchise, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, TEXAS.

Section 1. That the franchise heretofore granted by the City of Beaumont by ordinance approved December 11th, 1901, granting to Harry W. Potter, Frank W. Blackburn, E. V. Hayden, W. M. Blain and Joe Johnson and their heirs and assigns, it being a franchise over the streets, alleys and public grounds of the City of Beaumont, for the purpose of laying, constructing and maintaining gas mains, oil mains, laterals and service pipes for the erecting and maintenance of gas works including all appurtenances and for the manufacture and sale of gas and for the sale of natural gas and oil, be and the same is hereby recognized as belonging to the Beaumont Gas Company in accordance with transfers this day exhibited and the same is hereby confirmed in it, subject, however, to all conditions, obligations and duties set forth and fully defined in said ordinance.

Sec. 2. That this ordinance shall be and the same is hereby passed without prejudice to the rights, if any, of other parties.

Sec. 3. That this ordinance be in full force and effect from and after its passage. Approved Oct. 7th, 1902.

ERRATA

mit for the use of the City of Beaumont, free of charge to said city, all the gas necessary for its use in its city hall, Police and Fire Department for heating and lighting purposes, for the full period of twenty years, provided the quantity of free gas required under this section, shall not exceed ten thousand cubic feet per month.

Sec. 6. That said grantees, shall enter into bond to the City of Beaumont in the sum of one thousand dollars, conditioned that they shall in good faith, begin the substantial construction of said gas plant, as in this franchise contemplated, before the 1st day of March, 1902, and that the same shall be in operation by September 1st, 1902, unless prevented by strikes or other unavoidable hindrances.

Sec. 7. That this ordinance be in full force and effect from and after its passage. December 11th, 1901.

AN ORDINANCE.

Gas Company is the present owner of said franchise, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the franchise heretofore granted by the City of Beaumont by ordinance approved Dec. 11th, 1901, granting to Harry W. Potter, Frank W. Blackburn, E. V. Hay-

Recognizing the Beaumont Gas Company as the present owner of and confirming in it the right of the franchise heretofore granted to H. W. Potter, Frank W. Blackburn, E. V. Hayden, Joe Johnson and William Blair, by ordinance approved December,11,1901,which ordinance granted to said parties, their heirs and assigns, the right to lay, construct and maintain gas and oil mains, laterals and service pipes over and through the streets, alleys and public grounds of the City of Beaumont and to further erect and maintain gas works and manufacture and sell gas and so on, as fully set out in said ordinance; subject, however, to the conditions of said franchise as heretofore granted.

Whereas, the Beaumont Gas Company has presented its petition, showing transfers vesting in it title to the gas and oil line franchise heretofore granted, a copy of which said petition and tranfers attached are set forth hereinafter and marked Exhibit "A."

And, whereas, from said petition and transfers exhibited to the City Council, it appears that the Beaumont den, W. M. Blain and Joe Johnson and their heirs and assigns, it being a franchise over the streets, alleys and public grounds of the City of Beaumont, for the purpose of laying, constructing and maintaining gas mains, oil mains, laterals and service pipes for the erecting and maintaining of gas works including all appurtenances and for the manufacture and sale of gas and for the sale of natural gas and oil, be and the same is hereby recognized as belonging to the Beaumont Gas Company in accordance with transfers this day exhibited and the same is hereby confirmed in it, subject however, to all conditions, obligations and duties set forth and fully defined in said ordinance.

Sec. 2. That this ordinance shall be and the same is passed without prejudice to the rights, if any, of other parties.

Sec. 3. That this ordinance be in full force and effect from and after its passage. Approved Oct. 7th, 1902.

CHAPTER XVII.

HIGGINS OIL AND FUEL COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the City of Beaumont does hereby grant to the Higgins Oil and Fuel Company, a private corporation, incorporated under the laws of the State of Texas, and to its successors and assigns, a franchise for the purpose of supplying gas and oil to the City of Beaumont and the right to lay, construct and maintain pipes of any size and description found necessary for the purpose of conveying gas or oil from any gas or oil wells as they may see proper, to and through the City of Beaumont, to be used for any and all purposes to which gas and oil can be applied or used.

Sec. 2. It is further ordained, that the said Higgins Oil and Fuel Company, and its successors and assigns, shall have the right to use any and all of the streets and alleys and public grounds of the City of Beaumont, within its present corporate limits and all additions that may hereafter be taken into the city limits for the purpose of laying pipes for the conveying of gas and oil for the full period of fifty years on the terms and conditions following:

Sec. 3. That the said Higgins Oil and Fuel Company, and its successors and assigns, shall have the right at any time to connect with any pipes that they shall have laid into any factories, business houses of all descriptions and of whatever kind or private houses that they may see proper, for the purpose of furnishing gas or oil for any purpose it may be used and that they shall have the right to charge a reasonable sum therefor.

Sec. 4. That all pipes of any and every description laid shall be done under the direction and supervision of the Chairman of the Street and Bridge Committee and that said pipes shall be laid in all instances so as to preserve street grades according to the ordinances of the city.

Sec. 4a. The said Higgins Oil and Fuel Company, agrees and obligates itself to convey to the City of Beaumont, oil free of charge for the period of one year, through its pipe line.

Sec. 5. That this ordinance take effect and be in force from and after its passage and approval.

Sec. 5a. That the said Higgins Oil and Fuel Company, shall enter into bond in the penal sum of $500.00 that they will begin active work within twenty (20) days after the passage of this ordinance.

Approved this 13th day of May, 1901

D. P. WHEAT, Mayor.

CHAPTER XVIII.

JOHN C. WARD AND OTHERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the City of Beaumont does hereby grant to John C. Ward, John N. Gilbert, W. Scott Heywood, Dewey Heywood, S. W. Pipkin and J. F. Keith and to such other persons, firms or associations as may hereafter hereby granted the permission and privilege to locate, may organize for the purpose of supplying gas or oil to the City of Beaumont, the right to lay, construct and maintain pipes of any description found necessary for the purpose of conveying gas or oil from any gas or oil wells as they may see proper, to and through the City of Beaumont to be for any and all purposes to which gas or oil can be applied or used.

Sec. 2. It is further ordained that the said John C. Ward, John N. Gilbert, W. Scott Heywood, Dewey Heywood S. W. Pipkin, and J. F. Keith, shall have the right to use any and all the streets and alleys and public grounds in the City of Beaumont, within the present city limits and all additions that may hereafter be taken in the city limits for the purpose of laying pipes for the conveying gas and oil for the full period of fifty years on the terms and conditions herein prescribed.

Sec. 3. Be it further ordained that the said Jno. C. Ward, Jno. N. Gilbert, W. Scott Heywood, Dewey Heywood, W. S. Pipkin and J. F. Keith or their assigns, shall have the right at any time to connect with any pipes that they shall have laid into any factories, business houses of all descriptions and of whatever kind, or private houses that they may see proper, for the purpose of furnishing gas or oil for any purpose it may be used and that they shall have the right to charge a reasonable sum therefor.

Sec. 4. Be it further ordained that all pipes of any and every description laid, shall be under the direction and supervision of the Chairman of the Street and Bridge

Committee and that said pipes shall be laid in all instances so as to preserve street grades according to authorities of the city.

Sec. 5. That this ordinance shall be in full force and effect from and after its passage. March 5th, 1901.

CHAPTER XIX.

GUSTAVE A. JAHN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That in consideration of public benefits already received and to be received and other valuable considerations, that the entire alleyway extending between lots numbered 544, 545, 546, 547 and 548 on the west and lots numbered 549, 550, 551, 552 and 553 on the east in Block numbered Three (3) according to the map of the old town of Beaumont, be and the same is hereby given, demised and granted to Gustave A. Jahn, his successors and assigns, used and appropriated in connection with the abutting property as a site for a rice milling plant and its warehouses and appurtenances, so long as said property is used and occupied by said Jahn and his assigns for rice mill purposes.

To have and to hold the said alleyway unto him the said Gustave A. Jahn, his hiers and assigns, as aforesaid.

Approved D. P. WHEAT, Mayor.

CHAPTER XX..

J. M. GUFFEY PETROLEUM COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

The J. M. Guffey Petroleum Company is hereby given permission to build and maintain one iron storage tank, not to exceed five barrels in capacity for the purpose of storing gasoline to be used as fuel in the operation of its plant in the City of Beaumont, said iron storage tank shall be securely capped at both ends with steel caps and buried in the ground a depth of not less than three feet, and to be constructed of ten inch iron pipe; said tank shall be constructed and maintained on the property leased from the T. & N. O. Railway Company upon a part of the right of way of said Railroad company, lying on the north of their main line just east of the Sabine extension of said road, and,

Whereas, it is the desire of the J. M. Guffey Company to begin immediate operation, therefore the rule requiring ordinances to be read on three several days is hereby suspended, and this ordinance is to take effect from and after its passage. November 15th, 1904.

CHAPTER XXI.

GULF REFINING COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That the Gulf Refining Company, a corporation chartered under the laws of the State of Texas, and domiciled at or near Port Arthur in Jefferson County, Texas, is hereby granted permission to erect and maintain a distributing station in the western portion of the City of Beaumont, on land it has leased from the Texas and New Orleans Railroad Company, in the yard of the said railroad company, for the purpose of storing and distributing its manufactured products to its customers. Said station to include two tanks of 300 barrels capacity, and suitable warehouse facilities, which tanks shall be situated and built on brick or stone foundations and the tanks shall be constructed of iron or steel. The property on which the place where this permit is given is described as follows: Beginning at the southwest corner of a track of 5000 square feet, heretofore leased by this company to the J. M. Guffey Petroleum Company, which said point is 309 feet north of and at right angles from Engineer's station 4294 plus 17.3 thence, eastwardly, parallel with the center line of the Texas and New Orleans Railroad Company's main track and 309 feet therefrom at 50 feet to corner, thence northwardly, at right angles from said main line track, 50 feet to corner, thence southwardly 30 feet to the place of beginning, containing 2500 square feet of land or 0.057 of an acre.

Sec. 2. Be it further ordained, by the City Council that this ordinance shall not be construed in any way to affect or repeal the ordinance heretofore passed by the City Council of the City of Beaumont found and recorded on page 270 of Minute Book No. 1 of the ordinances of said city, the written book of ordinances, but that the City Council having examined the above ordinance approved the manner and method of establishing said storage tanks and thereby permits the same. December 15th, 1905.

CHAPTER XXII.

SANITARY RECEPTACLE COMPANY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the Sanitary Receptacle Company, in its own right and the right of its successors and assigns, is hereby granted permission and privilege to locate, operate and maintain sanitary trash receptacles on the outer edge of the sidewalks along the streets and intersections of streets in the City of Beaumont, not to exceed a total number of sixteen of such sanitary receptacles in and around one square block in the City of Beaumont, and the said receptacle when so located, on said blocks, shall be labeled "Police Protected" and be under the police protection of the city in the same manner as the other public property.

Sec. 2. That the said company shall have the exclusive right and privilege of placing commercial and industrial advertisement on said sanitary receptacle with paint in a neat and orderly manner, provided in no event, that said company shall place thereon any obscene or vulgar picture, or advertising matter of any objectionable nature whatever.

Sec. 3. That in granting the rights and privileges to the Sanitary Receptacle Company to place, maintain and operate sanitary trash receptacles in the City of Beaumont, it is understood and agreed that the said receptacles are to be for the exclusive use of the general public of the City of Beaumont in taking care of the trash and waste material which would otherwise be thrown on the streets and sidewalks; that said receptacle is in no way to take the place of or to interfere with the individual trash cans already or that may hereafter be located on the streets of the City of Beaumont, except by special agreement entered into and made with the Sanitary Receptacle Company by individual persons, firms or corporations using trash receptacles.

Sec. 4. That said Sanitary Receptacle Company, its successors and assigns, shall fasten said sanitary trash receptacle to the sidewalk by iron bolts in a workmanlike manner, and shall keep said receptacle in a neatly, cleanly condition at all times and cause the said receptacle to be emptied of their trash and the trash carried away at least once every two weeks, at its own expense and shall observe such rules and regulations as may be adopted from time to time by said council regulating the use and operation of said sanitary trash receptacle.

Sec. 5. The rights, authorities and privileges hereby granted to the Sanitary Receptacle Company, its successors and assigns shall subsist and be vested in said company, its successors and assigns for a period of five years from the date of its final passage by the City Council and the approval of the Mayor. But the right to forfeit, cancel and annul this franchise by the City Council is expressly reserved whenever the privileges are disregarded or abused and it is deemed by the City Council to be to the best interests of the city to do so.

Sec. 6. The Sanitary Receptacle Company, its successors and assigns, shall file with the City Secretary an instrument in writing accepting the terms of this franchise ordinance within thirty days after its final passage by the City Council and approval by the Mayor.

Approved this the 5th day of May, A. D. 1909.

LETTER OF ACCEPTANCE BY THE SANITARY RECEPTACLE COMPANY.

Ft. Worth, Texas, May 25, 1909.

Mr. J. G. Sutton,
City Secretary,
Beaumont, Texas.

Dear Sir:

We are in receipt of your favor of the 21st enclosing five year franchise to the Sanitary Receptacle Company. We hereby accept the terms and conditions of this franchise ordinance, as passed by the City Council May 5th,

1909, and approved by the Mayor of the City of Beaumont, May 5th, 1909.

Trusting this will be satisfactory, and thanking you for calling our attention to the matter, we are,

Very truly yours,
SANITARY RECEPTACLE COMPANY,
A. G. Carter, Secy and Treas.

CHAPTER XXIII.

TOM ROBINSON—PIPE LINE.

AN ORDINANCE.

Entitled an ordinance granting Tom Robinson, his heirs, successors and assigns, the right and privilege of constructing an oil pipe line in and upon certain streets and alleys of the City of Beaumont, providing how said oil pipe line shall be laid and providing further for the giving of a bond to the City of Beaumont.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the City of Beaumont does hereby grant to Tom Robinson of said city, a franchise for the purpose of laying and constructing an oil pipe line of the size and description hereinafter set forth for the purpose of conveying oil to and through certain streets and alleys of the City of Beaumont.

Sec. 2. The said oil pipe line shall be constructed from the intersection of Bowie and Neches Streets northward on Neches Street, across Crockett Street to the alley parallel with Crockett Street in Block 27 of the Van Wormer addition to the City of Beaumont; thence west down said alley across Trinity Street to near the center of Block 26 in said Van Wormer addition. The pipe used in said work shall not be less than (1 1-4) one and one-quarter inch pipe.

Sec. 3. That all work done under this franchise shall be done under the direction and supervision of the City Engineer.

Sec. 4. The grantee herein shall, before the construction of said pipe line, give to the City of Beaumont a bond in the sum of $500.00 conditioned that all streets in which

said oil pipe is laid shall be placed in as good condition as they were before said line was laid and also that all repairs necessary on said line shall be done at the expense of the grantee herein, his heirs or assigns.

The said bond above described shall be made each year.

Sec. 5. The terms of this franchise shall be for five years.

Sec. 6. If at any time the line constructed under this franchise shall become out of repair, the grantee shall place same in first class condition at once and if same is not done and he is notified by the Mayor or City Engineer that said work is out of repair and the grantee shall not place said line in good condition within five (5) days after receipt of such notice, all the rights and privileges herein granted shall become forfeited and the bond of $500.00 above metioned in Section 4 shall also become forfeited and due to the City of Beaumont.

Sec. 7. The grantee herein shall within twenty (20) days after the passage of this ordinance give his written acceptance to the City Council and also file the bond above mentioned.

Sec. 8. This ordinance shall go into effect from and after its passage, approval by the Mayor and lawful publication.

Passed and adopted by the City Council, this the 6th day of December, A. D. 1910; and signed and approved by the Mayor this the 6th day of December A. D. 1910.

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(FOR CONVENIENCE OF CITY OFFICIALS).

COLLECTOR ISSUING OCCUPATION TAX RECEIPT WITHOUT AN AFFIDAVIT

Article 110a. If a tax collector shall issue any occupation tax receipt without first taking or filing the affidavit provided in the act of March 13, 1895, page 18, acts of 1895, Art. 5049, of the Revised Civil Statutes, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten nor more than one hundred dollars.

DRUNKENNESS IN A PUBLIC PLACE—HOW PUNISHED.

Article 150. Any person who shall get drunk, or be found in a state of intoxication, in any public place, shall be deemed guilty of a misdemeanor, and on conviction before a court of competent jurisdiction shall be fined in a sum not more than one hundred dollars for each and every offense.

WORKING ON SUNDAY

Article 196. Any person who shall hereafter labor, or compel, force, or oblige his employees, workmen or apprentices to labor on Sunday, or any person who shall hereafter hunt game of any kind whatsoever on Sunday within one mile of any church, school house, or private residence, shall be fined not less than ten nor more than fifty dollars.

Article 197. **Not Applicable, When.**—The preceding article shall not apply to household duties, works of charity or necessity; nor to necessary work on farms

or plantations in order to prevent the loss of any crop; nor the running of steam boats and other water crafts, rail cars, wagon trains, common carriers nor to the delivery of goods by them or the receiving or storing of goods by the parties or their agents to whom said goods are delivered; nor to any stages carrying United States mail or passengers; nor to foundries, sugar mills, or herders who have a herd of stock actually gathered and under one herd nor persons traveling; nor to ferrymen or keepers of toll bridges, keepers of hotels, boarding houses and restaurants and their servants; nor to keepers of livery stables and their servants; nor to any person who conscientiously believes that the seventh day or any other day of the week ought to be observed as the sabbath, and who actually refrains from business and labor on that day for religious reasons.

Article 198. **Horse Racing, Gaming, etc., on Sunday.**—Any person who shall run or be engaged in running any horse race, or who shall permit or allow the use of any nine or ten pin alley, or shall be engaged in match shooting, or any species of gaming for money or other consideration, within the limits of any city or town on Sunday, shall be fined not less than twenty nor more than fifty dollars.

Article 199. **Selling Goods on Sunday.**—Any merchant, grocer, or dealer in wares or merchandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employee of any such person, who shall sell, barter or permit his place of business or place of public amusement to be open for the purpose of traffic or public amusement on Sunday, shall be fined not less than twenty nor more than fifty dollars. The term "place of amusement" shall be construed to mean circuses, theatres, variety theatres and such other amusements as are exhibited and for which an admission fee is charged; and shall also include dances at disorderly houses, low dives and places of like character with or without fees for admission.

Article 200. **Exceptions from Operation of Preceding Article.**—The preceding article shall not apply to markets or dealers in provisions as to sales of provisions

made by them before nine o'clock A. M., nor to sale of burial material, newspapers or ice or ice cream, milk, nor to sending telegraph of telephone massages at any hour of the day, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, bath houses or ice dealers nor to telegraph or telephone offices.

REFUSING TO AID OFFICER.

Article 245. If any person, being called on by a magistrate, or peace officer, shall fail or refuse to aid such officer in any matter in which by law, he may be rightfully called on to aid or assist in the execution of a duty incumbent upon such magistrate or peace officer, he shall be punished by a fine not exceeding one hundred dollars.

EXTORTION.

Article 256. **Extortion by Officers.**—If any officer authorized by law to demand or receive fees of office, or any person employed by such officer, shall wilfully demand or receive higher fees than are allowed by law, he shall be punished by a fine not less than twenty-five nor more than one hundred dollars for each offense.

COUNTY OR CITY OFFICER TRADING IN CLAIMS.

Article 264. Any officer of any county in this State or of any city or town therein who shall contract directly or indirectly or become interested in any contract for the purchase of any draft or order on the treasurer of such county, city or town, or for any jury certificate or any other debt, claim or demand for which said county, city or town may or can in any event be made liable, shall be punished by a fine of not less than ten nor more than twenty times the amount of the order, draft, jury certificate, debt, claim or liability so purchased or contracted for.

TOWN OR CITY OFFICER FAILING TO REPORT COLLECTIONS.

Article 274. Any town or city marshal, or constable or other city officer or person who may collect money, other than taxes, for the use of such town or city, who shall fail to report in writing, and under oath, to the Mayor and Board of Aldermen, or Common Council, of such town or city, on the first Monday of each month, the amount of money that may have come into his hands during the month preceding such report, for the use of such town or city, from whom the same was collected, and by virtue of what process, shall be punished as prescribed in Article 272 (of the Penal Code).

PARENTS, ETC., REFUSING TO ANSWER QUESTIONS OF SCHOOL TRUSTEES.

Article 289b. The trustees (District school trustees contemplated in Article 3964 of the Revised Statutes) are hereby authorized and empowered to administer all oaths necessary to obtain a full, complete and correct census of all children residing in their respective districts; and said trustees may require each parent, guardian, or other person having in charge any child or children to answer, under oath, as to the name and ages of such child or children, and any person refusing to answer such questions, under oath, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five nor more than twenty-five dollars.

UNLAWFUL ASSEMBLY DEFINED.

Article 299. An "Unlawful Assembly" is the meeting of three or more persons with intent to aid each other by violence or in any other manner either to commit an offense illegally or to deprive any person of any rights or to disturb him in the enjoyment thereof.

Article 306. **To Rescue One Accused of Misdemeanor.**—If the purpose of the unlawful assembly be to rescue

a person accused of a misdemanor the punishment shall be a fine not to exceed two hundred dollars.

Article 312. **To Effect any other Illegal Object.**—If the purpose of the unlawful assembly be to effect any illegal object other than those mentioned in the preceding articles of this chapter, all persons engaged therein shall be liable to a fine not exceeding two hundred dollars.

Article 313. **Lawful Meeting not Included.**—No public meeting for the purpose of exercising any political, religious or other lawful rights, no assembly for the purpose of lawful amusement or recreation, is within the meaning of this chapter.

Article 314. **Lawful Meeting Included, if Unlawful Purpose is Afterward Agreed on.**—Where the persons engaged in any unlawful assembly met at first for lawful purposes, and afterward agreed upon an unlawful purpose, they are equally guilty of the offense defined in Article 299. (Chapter One, Title IX, Penal Code).

"AFFRAY" DEFINED.

Article 333. If any two or more persons shall fight together in a public place, they shall be punished by a fine not exceeding one hundred dollars.

Article 334. **Disturbance of the Peace.**—If any person shall go into or near any public place, or into or near any private house, and shall use loud and vociferous or obscene, vulgar or indecent language, or swear or curse, or yell or shriek, or expose his person, or rudely display any pistol or other deadly weapon, in a manner calculated to disturb the inhabitants of such public or private house, he shall be fined in any sum not exceeding one hundred dollars.

"PUBLIC PLACE" DEFINED.

Article 335. A public place within the meaning of the two preceding articles, is any public road, street or alley of a town or city, or any inn, tavern, store, grocery

or work shop, or place at which people are assembled, or to which people commonly resort for the purpose of business, amusement, recreation or other lawful purposes.

Article 336. **Shooting in a Public Place.**—If any person shall discharge any gun, pistol or firearms of any description, on or across any public square, street or alley in any city, town or village in this State, he shall be fined in a sum not exceeding one hundred dollars.

Article 337. **Horse Racing on Public Road and Street.**—Any person who shall run, or be in any way concerned in running any horse race in, along or across any public square, street or alley in any city, town or village, or in, along or across any public road within this State, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

INDECENT PUBLICATION AND EXPOSURE.

Article 365. If any person shall make, publish or print any indecent and obscene print, picture or written composition, manifestly designed to corrupt the morals of youth, or shall designedly make an obscene and indecent exhibition of his own or the person of another, in public, he shall be fined not exceeding one hundred dollars.

ISSUING BILLS TO PASS AS MONEY.

Article 368. If any person within this State shall issue any bill, promissory note, check or other paper intended to circulate as money, he shall be fined not less than ten dollars nor more than fifty dollars for each bill, promissory note, check or other paper so issued.

Article 369. **Includes Corporations.**—Any officer of any banking company or body corporate who signs his own name, or that of another, by the authority of such other, to any bank bill, promissory note, check or other paper, being evidence of a promise to pay and intended to circulate as money, is guilty of the offense punishable by the preceding article.

Article 370. **Also Indorsement of Foreign Bills.**—Any person who may bring into this State any bank bill, purporting to be issued by any bank in any other State or Territory in the Union or in any other foreign country, and shall sign or indorse the same to be circulated as money in this State, shall be deemed guilty of the offense mentioned in Article 368.

Article 372. **Not Applicable to United States Banks.**—The provisions of this chapter shall not apply to any bank incorporated under the laws of the United States, nor to bills issued by such bank.

SELLING LOTTERY TICKETS.

Article 374. If any person shall sell, offer for sale or keep for sale any ticket or part ticket in any lottery, he shall be fined not less than ten nor more than fifty dollars.

Article 375. **Selling Raffle Tickets.**—If any person shall establish a raffle for, or dispose by raffle of any estate, real or personal, exceeding five hundred dollars in value, he shall be fined not less than $100.00 nor more than one thousand dollars; or if any person shall establish a raffle for or shall dispose by raffle of any estate, real or personal, of the value of five hundred dollars, or less, he shall be fined not less than five dollars, nor more than two hundred dollars. If any person shall offer for sale or keep for sale any chance, ticket or part ticket, in any raffle of any estate, real or personal of any value whatever, he shall be fined not less than ten dollars nor more than fifty dollars and all laws and parts of laws in conflict with this act are hereby repealed.

GAMING.

Article 379. **Playing Cards in a Public Place.**—If any person shall play at any game of cards at any house for retailing spiritous liquors, storehouse, tavern, inn, or other public house, or in any street, highway or other public place, or in any outhouse where people resort, at any place except a private residence occupied by a fam-

ily, or if any person shall wager or bet any money or other thing of value or representative of either, at any game of cards, except in a private residence occupied by a family, and the provisions of this article that permits gaming in a private residence shall not apply in case such residence is one commonly resorted to for the purpose of gaming, he shall be fined not less than ten nor more than twenty-five dollars.

Article 380. **What Included in Preceding Article.**—All houses commonly known as public, and all gaming houses, are included within the meaning of the preceding article. Any room attached to such public house and commonly used for gaming, is also included, whether the same is kept closed or open. A private room of an inn or tavern is not within the meaning of public places, unless such room is commonly used for gaming; nor is a private business office or a private residence to be construed as within the meaning of public house or place; provided that said private residence shall not be a house for retailing spiritous liquors.

Article 381. **Offense Complete Without Betting.**—In prosecutions under the two preceding articles it shall not be necessary for the State to prove that any money or article of value, or the representative of either, was bet at such game when the prosecution is for playing cards at a house for retailing spiritous liquors, store house, tavern, inn, or any other public place, or in any street, highway or other public place, or in any outhouse where people resort, or at any place except a private residence occupied by a private family; provided, that nothing in this title shall be so construed as to prevent the playing of any game for amusement at a private residence occupied by a family. (Laws 1909, page 91).

Sec. 5. **Buying Pools, etc., on Horse Races.**—If any person shall, at any place in this State, buy pools or otherwise wager anything of value on any horse race to be run, trotted or paced, at any place in this State or elsewhere, or shall offer to wager, or shall offer to place any

money or other thing of value with any other person to be transmitted to any other place to be wagered on any horse race, he shall upon conviction, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars. (Laws 1907, page 109).

Article 388g. **Duty of Officers to Suppress—Search Warrant.**—Whenever it shall come to the knowledge of any sheriff, constable, police officer, or other peace officer by an affidavit of a reputable citizen, or otherwise, that any of the provisions of this Act are being violated, it shall be the duty of such officer to immediately avail himself of all lawful menas to suppress such violation, and he shall be authorized by any such warrant that is issued by virtue of this act to enter any house, room or place to be searched, using such force as may be necessary to accomplish such purpose.

Article 388h. **Procedure Under Such Warrant.**—Upon the filing with any Justice of the Peace, County or District Judge, or any magistrate, of an affidavit in writing, made by a reputable citizen that gaming, betting or wagering, as prohibited by this Act, is being conducted in any building, room, premises or place, describing the same sufficiently for identification, it shall be the duty of such officer, with whom said affidavit is filed, to immediately enter and search such building, room, premises, or place, in the event the same is a gaming house, as defined in this Act, to arrest all parties found therein, or making their escape therefrom and to take possession of any gambling paraphenalia, device or equipment found therein, and it shall be the duty of such officer to immediately take persons arrested before the nearest magistrate, and lodge the proper complaint against each person so arrested.

Article 388i. **Gambling Houses, etc.—A Public Nuisance.**—The existence of any gambling house or gaming table or gaming paraphenalia or device of whatever kind or character and all equipments of such gambling house, is hereby declared to be against public policy and the same is hereby declared a nuisance and no suit shall be

brought or maintained in any of the courts of this State for the recovery of same or for any insurance thereon or for damages by reason of any injury, to or for the destruction of same.

Article 388j. **Determines Tenant's Liability.**—The use of any house, property or premises, by any tenant or lessee for any purpose made unlawful by this Act, shall terminate all rights and interests of such tenant or lessee in same, and shall entitle the owner thereof to the immediate possession of said house, property or premises.

Article 388k. **Seizure and Destruction.—Notice to Owner.**—It shall be the duty of every sheriff, constable, police officer or other peace officer by virtue of the warrant authorized by this Act to seize and take into his possession all gaming tables, devices and other equipments or paraphenalia of gambling houses, the existence of which has come to his knowledge and to immediately file with the Justice of the Peace, County Judge or District Judge, a list in writing of the property seized and shall designate the place where same was seized and the owner of same, or person from whom possession was taken. Thereupon it shall be the duty of the said Justice of the Peace, County or District Judge to note same upon his docket and to issue or cause the Clerk of the Court to issue a notice in writing to the owner or person in whose possession the articles, seized, were found, commanding him to appear at a designated time, not earlier than five days from the service of such notice, and show cause why such articles should not be destroyed. If personal service cannot be had upon the person to whom same is directed, a copy of said notice shall be posted for not less than five days, either upon the Court House door of the County where the proceedings are begun or upon the building or premises from which the property seized was taken.

Article 388l. **Judgment.—Suit to try Issues.**—If upon a hearing of the matter referred to in the preceding section, the Justice of the Peace, County Judge or District Judge before whom the cause is pending shall determine that the property seized is a gaming table, or bank or is

used as equipment or paraphenalia for a gambling house, and was being used for gaming purposes, he shall order same to be destroyed, but any part of same may, by order of the court, be held as evidence to be used in any prosused shall be ordered returned to the person entitled to the possession of the same. It shall be the duty of the officer, within not less than fifteen nor more than thirty days from the entry of said order, to destroy all property, the destruction of which has been ordered by the court, unless the owner, lessee or person entitled to possession under this Act, shall, before the destruction of said property, file a suit to recover same.

Article 388m. **Same—Officer to Keep Property.**—Any person, having interest in or entitled to possession of any property seized under this Act, shall have the right at any time before the destruction of such property, as in ordinary civil cases, to try the issue of whether or not such property is gaming table, or bank or device or was used as equipment or paraphenalia of any gambling house and to recover the possession of same, and to maintain any other character of suit not inconsistent with this Act; and it shall be the duty of the officer having said property in his possession after such notice of the pendency of said suit to safely keep said property, pending the same.

Article 388n. **Indictment.**—In any indictment or information for keeping or exhibiting a gaming table, alley, machine, wheel device, or bank, it shall be sufficient to state that the person accused kept the table, alley, machine, wheel device or bank for gaming or exhibited the same for gaming, without giving the name or description thereof and without stating that the table, bank, alley, machine, wheel or gaming device was without any name or that same was unknown and it shall not be necessary in the prosecution to prove that money or other articles of value were lost or won thereon.

Article 392. **Justice of the Peace, etc., Failing to Prosecute.**—If any Justice of the Peace, Mayor or Recorder, shall know the fact that an offense against the

gaming laws has been committed, by any person, and shall fail or neglect to cause such person to be arrested and prosecuted for the same, he shall be punished by a fine not less than twenty-five nor more than one hundred dollars.

Article 393. **Peace Officer Failing to Inform.**—If any Peace Officer shall know that any person has committed an offense against the gaming laws, and shall neglect or fail to give information thereof to some Justice of the Peace, Mayor or Recorder, having jurisdiction to try such offense, he shall be punished by a fine not less than twenty-five nor more than one hundred dollars.

PROHIBITING BETTING ON BASE BALL AND FOOT BALL.

(Laws of 1907, page 222).

Sec. 1. That it shall hereafter be unlawful for any person in this State to enter into an agreement with another, either orally, written or implied, whereby either one or both shall bet or wager money on anything of value or otherwise become a party to any gambling scheme based upon the final result or outcome, or any play or portion thereof of a game of football, or base ball; provided that nothing herein shall prohibit contesting baseball or football teams, or their duly authorized agents or managers from entering into an agreement as to the manner of disposition of gate receipts derived from such games.

Sec. 2. That any person found guilty of violating this law shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

Sec. 1. (Laws of 1909, page 119). **Giving or Delivering Liquor to Minor.**—That any person who shall give or deliver, or cause to be given or delivered, or to be in any way concerned in the gift, or delivery of any spirituous, vinous, malt or intoxicating liquors to any person under the age of twenty-one years whether consigned to such person or to some other person, without the written

consent of the parent or guardian of such person who is under the age of twenty-one years, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five ($25.00) nor more than one hundred ($100.00) dollars; and any person who as agent for or employed by an express company or other common carrier, or who, as agent for or employee of any other person, firm or corporation, delivers or causes to be delivered any spiritous, vinous, malt or intoxicating liquors to any person under the age of twenty-one years, whether consigned to such person or to some other person, without the written consent of the parent or guardian of such minor, shall be guilty of a misdemeanor, and shall be fined upon conviction therefor by a fine not less than twenty-five ($25.00) nor more than one hundred ($100.00) dollars.

Article 400a. **Selling Cigarettes or Tobacco to Minors.**—That any person who shall sell, give or barter, or cause to be sold, given or bartered, to any person under the age of sixteen years, or knowingly sell to any other person for delivering to such minor, without the written consent of the parent or guardian of such minor, any cigarette or tobacco in any of its forms, shall be fined not less than ten nor more than one hundred dollars.

Sec. 1. (Laws of 1905, page 105). **Permitting Minors in Pool Rooms.**—That if any owner, manager or lessee of any billiard hall, pool hall, ten pin alley or bowling alley, or any employee therein, whether intoxicating liquors are sold in such place or not, shall permit any person under the age of twenty-one years to enter such place of business and remain therein for any length of time, without the consent of the parent of such minor, or someone standing in their place or stead, or shall permit any person under twenty-one years of age to play at billiard or pool, or without the consent of the parent of such minor, or someone standing in their place or stead, shall be guilty of a misdemeanor and on conviction thereof, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars.

Sec. 1. (Laws of 1905, page 83). **Limiting Conviction of Minors.**—No person shall in any case be convicted of any offense committed before he was of the age of nine years, except perjury and for that only, when it shall appear by proof that he had sufficient discretion to understand the nature and obligation of an oath; nor of any other offense committed between the years of nine and thirteen, unless it shall appear by proof that he had discretion sufficient to understand the nature and illegality of the act constituting the offense.

VAGRANCY.

Sec. 1. (Laws of 1909, page 111). **Vagrancy.—Defining and Punishing.**—That the following persons are and shall be punished as vagrants, viz:

(a) Persons known as tramps, wandering or strolling about in idleness who are able to work and have no property to support them.

(b) Persons leading an idle, immoral, or profligate life, who have no property to support them, and who are able to work and do not work.

(c) All persons able to work, have no property to support them, and who have no visible means or known means of a fair, honest and reputable livelihood. The term "Visible or known means of a fair, honest and reputable livelihood" as used in this article, shall be construed to mean reasonably continuous employment at some lawful occupation for reasonable compensation, or a fixed and regular income from property or other investments, which income is sufficient for the support and maintenance of such person.

(d) All able bodied persons who habitually loaf, loiter, and idle in any city, town or village, or railroad station, or in any other public place in this State for the larger portions of their time without any regular employment and without any visible means of support. An offense under paragraph (d) of this section shall be made out whenever it is shown that any person has no visible means of support, and only occasionly has employment

at odd jobs, being for the most of the time out of employment.

(e) Persons trading or bartering stolen property, or who unlawfully sells any vinous, alcoholic, malt, intoxicating or spiritous liquors.

(f) Every common gambler or person who for the most part maintains himself by gambling.

(g) All companies of gypsies, who, in whole or in part, maintain themselves by telling fortunes.

(h) Every able bodied person who shall go begging for a livelihood.

(i) Every common prostitute.

(j) Every keeper of a house of prostitution.

(k) Every keeper of a house of gambling or gaming.

(l) Every person who shall abandon his wife, or child or children without just cause, leaving such wife or child or children without support, or in danger of becoming a public charge.

(m) Every able bodied person who lives without employment or labor and who has no visible means of support.

(n) All persons who are able to work and do not work, but hire out their minor children or allow them to (be) hired out and live upon their wages, being without means of support.

(o) All persons over sixteen years of age and under twenty-one able to work and do not work, and have no property to support them, and have not some known, visible means of a fair, honest and reputable livelihood, and whose parents or those in loco parentis are unable to support them, and who are not in attendance upon some educational institution.

(p) All persons who advertise and maintain themselves in whole or in part as clairvoyants or foretellers of future events, or as having supernatural knowledge with respect to future or present conditions, transactions, happenings or events.

(q) Any person who unlawfully solicits orders for intoxicating liquors.

(r) All male persons who habitually associate with

prostitutes, or habitually loiter in or around houses of prostitution or who, without having visible means of support, receive financial aid or assistance from prostitutes.

Sec. 2. It shall be the duty of every sheriff, deputy sheriff and constable in every county, and of the police, town marshal, deputy marshal, and other like officials in every county, city, town or village in the State, to give information under oath to any officer empowered to issue criminal warrants, of all vagrants within their knowledge, or upon information in their respective counties, cities, towns and villages; thereupon the said officer shall issue a warrant for the apprehension of the person alleged to be a vagrant.

Sec. 3. All information charging vagrancy shall be under oath, and while it is made the special duty of the officers named in Section 2 hereof to file the said information whenever they shall have knowledge or good reason to suspect that any person is a vagrant as defined by any clause or section of this Act, yet any information charging vagrancy may be filed under oath by any resident of the State.

Sec. 4. Whenever any person shall have been arrested on charge of vagrancy, he shall immediately be carried before any court having jurisdiction of the offense herein named, and upon conviction thereof, shall be fined in any sum not to exceed two hundred dollars.

Sec. 5. If any of the officers named in Section 2 of this Act shall fail, refuse, or neglect to perform the duties herein required, he shall be guilty of a misdemeanor and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars.

PAWNBROKERS.

Article 414. **Pawnbrokers Failing to Comply with the Law.**—If any pawnbroker or person doing business as such shall receive any pledge, or sell the same without complying with the laws regulating pawnbrokers in this State, he shall be punished by a fine not less than twenty-five nor more than one hundred dollars.

OCCUPATIONS AND ACTS INJURIOUS TO HEALTH.

Article 423. **Offensive Trades and Nuisances.**—If any person shall carry on any trade, business or occupation injurious to the health of those who reside in the vicinity, or shall suffer any substance which has that effect to remain on premises in his possession, he shall be punished by a fine not less than ten nor more than one hundred dollars; and each separate day of carrying on such business, trade or occupation, or of permitting such substance to remain on the premises, shall be considered a separate offense.

Article 425. **Leaving Dead Animals in Road.**—If any person shall leave the dead carcass or body of any horse, mule, ox, steer, cow or other animal, which died in the actual possession of such person, in any public road or highway, or in any street or alley of any village, town or city in this State, or within fifty yards of such public road, highway, street or alley, he shall be fined not less than five nor more than one hundred dollars

SALE OF UNWHOLESOME FOOD, DRINK OR MEDICINE.

Article 426. **Selling Corrupted or Unwholesome Substance.**—If any person shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell any kind of corrupted, diseased or unwholesome substance, whether for food or drink, without making the same fully known to the buyer, shall be fined not less than twenty nor more than one hundred dollars.

RIDING OR DRIVING OVER BRIDGES.

Article 481. If any person shall ride or drive over any bridge belonging to any county, or to any municipal or private corporation, faster than a walk, he shall be fined in any sum not exceeding one hundred dollars.

CHAPTER XCIV.

PURE FOOD LAW—AMENDMENT.

(Laws 1909).

(H. B. No. 287).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS.

Sec. 1a. That Chapter 39, Acts of the General Laws of the Thirtieth Legislature entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drugs, prescribing penalties for the violation of this Act, to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this Act, and declaring an emergency," be so amended to hereafter read as follows:

Sec. 1. That no person, firm or corporation shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell or exchange any article of food, drink or drugs which is adulterated or misbranded within the meaning of this Act. The term "food" as used herein shall include all articles used for food, drink, flavoring, confectionery, or condiment, by man, whether simple, mixed or compound. That the term "Drug" as used in this Act shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or animal.

Sec. 2. That for the purpose of this Act any Article shall be deemed to be adulterated.

(a) In the case of drugs: (1) If, when sold under or by a name, recognized in the eighth decennial revision of the United States Pharmacopoeia or in such United States Pharmacopoeia as was official at the time of labeling it or in the National Formulary, it differs from the

standard strength, quality and purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States Pharmacopoeia, but which is found in some other pharmacopoeia or other standard wark on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold.

(b) In the case of confectionery: If it contains terra alba, barytes, talc, chrome yellow or other mineral substance of poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound or narcotic drug.

(c) In the case of food: (1) If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; (2) If any substance has been substituted wholly or in part for the article; (3) If any valuable constituent of the article has been wholly or in part abstracted, or if the product be below that standard of quality, strength or purity represented to the purchaser or consumer; (4) If it be mixed, colored or powdered, coated or stained in a manner whereby damage or inferiority is concealed; (5) If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health, provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption; (6) If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 3. That the term "misbranded," as used herein, shall apply to all drugs or other articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular.

That for the purposes of this Act an article shall also be deemed to be misbranded:

(a) In the case of drugs: (1) If it be an imitation of or offered for sale under the name of another article; (2) If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quality or proportion of any alcohol, morphine, phoenacetin, opium, cocaine, heroin, alpha or beta cucaine, chloroform, cannibis, indica, chloral hydrate or accetanilid, or any derivative or preparation of any such substances contained therein.

(b) In the case of food: (1) If it be an imitation of or offered for sale under the distinctive name of another article; (2) If it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label on the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, phenacetin, chloroform, cannibis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substance, contained therein; (3) If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; (4) if the package containing it or its labels bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any

particular; provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases: First. In cases of mixtures of compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, that the term "blend" as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided, further, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain unwholesome added ingredients to disclose their trade formulas except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Sec. 4. Every dealer or peddler in slaughtering flesh, meats, fish, fowl or game for human food, at wholesale or retail, in the transportation of such food from place to place to customers, or in storing or keeping same for sale, shall protect the same from dust, flies, and other vermin or substances which may injuriously affect it, by securely covering it while being so transported, stored or kept.

Sec. 5. It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange any cider not wholly from the juice of fruit.

Sec. 6. It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange any article of food to which has been added formaldehyde, boric acid, benzoic acid or benzoates, sulphurus acid sulphurite, salicyclic acid or salicyates,

abrastols, beta napthol, flourine compounds, dulcin, glucin, cocaine, sulphuric acid or other mineral acid except phosphoric acid, any preparation of lead or copper or other ingredient injurious to health; provided, that nothing in this Act shall be construed as prohibiting the sale of catsups, sauces, concentrated fruits, fruit juices, and like substances, preserved with one-tenth of one per cent of benzoate of soda, or the equivalent benzoic acid, when a statement of such fact is plainly indicated upon the label; provided, further, that the oxides of sulphur may be used for bleaching, clarifying and refining food products.

Sec. 7. Whoever manufactures for sale within this State, or offers or exposes for sale or exchange or sells, any baking powder or compound intended for use as a baking powder under any name or title whatsoever, shall securely affix or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture, or compound, a label distinctly printed in plain capital letters in the English language containing the name and residence of the manufacturer or dealer, and the ingredients of the baking powder. Baking powder containing less than 10 per cent of available carbon dioxide shall be deemed to be adulterated.

Sec. 8. That it shall be unlawful for any person, either by himself or agent, to sell or expose for sale or exchange any unwholesome watered, adulterated or impure milk, or swill milk or colostrum, or milk from cows kept upon garbage, swill or any other substance in a state of fermentation or putrifaction or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases, or from sick or diseased cows; provided, "skim milk" may be sold if on the can, or package from which such milk is sold, the words "skim milk" are distinctly painted in letters not less than one inch in length.

Sec. 9. Authortiy is hereby given the Common Council or Commissoin of any city or town to appoint an inspector of milk in any such city or town, and to fix his compensation.

Sec. 10. That no dealer shall be prosecuted under the provisions of this Act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing within this State or in the United States from whom he purchases such article, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer.

Sec. 11. Whoever shall do any of the acts or things prohibited by this act, or wilfully neglects or refuse to do any of the acts or the things enjoined or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than $25.00 nor more than $200.00.

ASSAULT AND BATTERY.

Article 578. **Assault and Battery Defined.**—The use of any unlawful violence upon the person of another with intent to injure him, whatever be the means or the degree of violence used, is an assault and battery. Any attempt to commit a battery, or any threatening gesture showing itself or by words accompanying it an immediate intention, coupled with an ability to commit a battery, is an assault.

Article 588. **Intent Presumed and "Injury Defined.** —When an injury is caused by violence to the person the intent to injure is presumed, and it rests with the person inflicting the injury to show the accident or innocent intention. The injury intended may be either bodily pain, constraint, a sense of shame, or other disagreeable emotion of the mind.

Article 589. **May be Committed on Person not Intended.**—An assault, or an assault and battery, may be

committed though the person actually injured thereby was not the person intended to be injured.

Article 590. **How it May be Committed.—An assault,** of the body of the person committing the offense, as of or an assault and battery, maybe committed by the use the hand, foot, head or by the use of any inanimate object as a stick, knife or anything else capable of inflicting the slightest injury, or by the use of any inanimate object, as by throwing one person against another, or driving a horse or other animal against the person.

Article 591. **Any Meaus Capable of Injury Sufficient.**—Any means used by the person assaulting, as by spitting in the face or otherwise, which is capable of inflicting an injury, comes within the definition of an assault, or an assault and battery as the case may be.

Article 592. **"Coupled with Ability to Commit" Defined.**—By the terms "coupled with abitity to commit" as used in Article 578 is meant:

1. That the person making the assault must be in such a position that, if not prevented, he may inflict a battery upon the person assailed.

2. That he must be within such distance of the person so assailed as to make it within his power to commit the battery by the use of the means with which he attempts it.

3. It follows that one who is, at the time of making an attempt to commit a battery, under such restraint as to deprive him of the power to act, or who is at so great a distance from the person assailed as that he cannot reach his person by the use of the means with which he makes the attempt, is not guilty of an assault. But the use of any dangerous weapon, or the semblance thereof, in an angry or threatening manner, with intent to alarm another, and under the circumstances calculated to effect that object, comes within the meaning of an assault.

Article 593. **When Violence Does Not Amount to.**—Violence used to the person does not amount to an as-

sault in the following cases:

1. In the exercise of the right of moderate restraint or correction given by the law to the parent over the child, the guardian over the ward, the master over his apprentice, the teacher over the scholar.

2. For the preservation of order in a meeting for religious, political or other purposes.

3. The preservation of peace, or to prevent the commission of offenses.

4. In preventing or interrupting an intrusion upon the lawful possession of proptrey.

5. In making a lawful arrest and detaining the party arrested in obedience to the lawful order of a magistrate or court, and in overcoming resistance to such lawful order.

6. In self defense or in defense of another against unlawful violence offered to his person or property.

Article 594. **Degree of Force Permissible.**—In all the cases mentioned in the preceding article, where violence is permitted to effect a lawful purpose, only that degree of force must be used which is necessary to effect such purposes.

Article 595. **Verbal Provocation no Justification.**—No verbal provocation justifies an assault and battery, but insulting and abusive words may be given in evidence in mitigation of the punishment affixed to the offense.

Article 596. **"Battery," How Used.**—The word battery is used in this code in the same sense as "assault and battery."

Article 597. **Degrees of Assault.**—An assault is either simple assault, an aggravated assault, or an assault with intent to commit some other offense.

Article 598. **Punishment for Simple Assault.—The** punishment for a simple assault, or for assault and battery, unattended with circumstances of aggravation, shall be a fine of not less than five nor more than twenty-five dollars.

Article 599. **Abusive Language an Offense.**—If any

person shall, in the presence or hearing of another, curse or abuse such person, or use any violently abusive language to such person concerning him or any of his female relatives under circumstances reasonably calculated to provoke a breach of the peace, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than five nor more than one hundred dollars.

ENTICING MINORS.

Article 625a. **Enticing Minors from Legal Custody.** —Any person in this State who shall knowingly entice or decoy any minor in the State away from the custody of his parent or guardian, or person standing in the stead of such parent of guardian, shall be punished by a fine of not less than twenty-five nor more than two hundred dollars.

In all cases where charitable and benevolent institutions have established homes for dependent orphans of their deceased members, and the person legally entitled to the guardianship of such orphans surrenders them to such homes for support, maintenance, and education, such institution under their agencies, rules and regulations shall have and exercise over such orphans all the rights of natural guardians, as standing in the place of their parents.

KILLING ANIMAL TO INJURE OWNER.

Article 786. If any person shall wilfully kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, or any domesticated bird of another, with intent to injure the owner thereof, he shall be fined not less than ten nor more than two hundred dollars. And in prosecutions under this article the intent to injure may be presumed from the perpetration of the act.

MALICIOUS MISCHIEF.

Article 787. **Wilfully or Wantonly Killing and Maim-**

ing, etc. Domesticated Animals or Birds.—If any person shall wilfully or wantonly kill, maim, wound, disfigure, poison or cruelly or unmercifully beat or abuse any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, or any domesticated bird, he shall be fined not less than five nor more than one hnudred dollars. All laws and parts of laws in conflict with this Act are hereby repealed.

Article 788. **Using Animals Without Consent of Owner.**—Any person who shall hereafter take and use or take up and use any horse, mare, gelding, mule, ox, cow or other dumb animal, the property of another and without the consent of the owner thereof, shall be fined in any sum not less than ten nor more than one hnudred dollars, provided that nothing herein contained shall prevent a prosecution for the theft of such animal whenever the offense of which said party shall be guilty shall come within the meaning of that crime; provided, that this article shall not be construed as in any way to interfere with the laws regulating estrays.

ROBBING ORCHARDS.

Article 790. **Robbing Orchards, Gardens, etc.**—If any person shall take or carry away from the farm, orchard, garden or vineyard of another, without his consent, any fruit, melons or garden vegetables, he shall be fined in any sum not exceeding one hnudrd dollars.

INJURY TO BAGGAGE.

Article 792. **Injuring Baggage, etc.**—Any baggage master, express agent, stage or hack driver or other common carrier whose duty it is to handle, remove, transfer or take care of trunks, valises, boxes, or other baggage while loading, transporting, unloading, transferring, delivering, storing or handling the same, whether or not in the employ of any transportation company or common carrier, who shall maliciously or carelessly or recklessly break, injure or destroy the said baggage, shall be deem-

ed guilty of a misdeameanor, and on conviction be fined a sum not exceeding one hnudred dollars; provided, that a prosecution for a misdemeanor as provided in this article shall not be a bar to a civil action for damages.

DOGGING STOCK WHEN FENCE INSUFFICIENT.

Article 799. Any owner, proprietor, lessee, or other person in charge of cleared and cultivated land surrounded with an insufficient fence, or the agent or employee of such person, who shall, with fire-arms, dogs, or otherwise maim, wound or kill any cattle, horses or hogs of another within such inclosure, or who shall cause or procure the same to be done shall be fined not less than ten nor more than two hundred dollars.

Article 800. **"Insufficient Fence" Defined.**—An "insufficient fence" as used in the preceding article, means a fence less than five feet high, or with openings or crevices in some part thereof sufficiently large for the passage of the animal so maimed, wounded or killed.

HERDING STOCK IN HALF MILE OF RESIDENCES.

Article 802. If any person shall herd any drove of horses, mules, cattle, sheep, goats or hogs, numbering more than five head, upon any land not his own, and within one-half mile of the residence of any citizen of this State, whenever the owner, lessee or legal representative of such land shall forbid such herding, and shall fail, neglect or refuse to remove such drove at once upon the request of such owner, lessee, or legal representative; or whenever any person shall herd any such drove of horses, mules, cattle, sheep, goats or hogs upon the inclosed land or pasture of another, or cause the same to be so herded without the consent of such owner, lessee or legal representative, he shall be fined in any sum not exceeding one hnudred dollars; provided, that this article shall not apply to droves which are driven through pastures, by the usual route to any named point of destination, traveling at the greatest practicable speed, and where there is no public road leading to the point of destination; and provided, further, that no person shall be

authorized, under the provisions of this Act, to drive any drove or herd of stock of any kind into any inclosure belonging to another for the purpose of grazing or holding such drove or herd of stock for any length of time whatever, without the consent of the owner, lessee or person in charge of such inclosure. This Act shall not apply to herds or droves of stock while being held for shipment; provided, that the owner or agent of such stock shall pay the owner of the premises, so herded upon, reasonable pasturage and all damages done by said stock.

Article 803. **Each Hour a Separate Offense.**—Each hour of delay, after notice is given or request made, shall constitute a separate offense under the preceding article.

INFECTIOUS DISEASES AMONG ANIMALS.

Article 811. **Penalty for Riding or Driving Infected Animals, etc., Cumulative of other Laws.**—Any person who may drive, lead or ride any animal infected with the diseases of glander or farcy, knowing them to be so infected, on, along or across any public highway in this State, or allow any such animal so diseased (knowing them to be so diseased and owning such animal) to run at large on the open range of any county in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than two hundred dollars.

AUCTIONEER SELLING ANIMAL WITHOUT WRITTEN STATEMENT, ETC.

Article 901. If any auctioneer or other person shall sell at auction any horse, mule or ox, without first requiring from the party for whom such sale is made a written statement signed by him of the manner in which, and the name and residence of the person from whom he acquired such animal, he shall be fined not less than fifty nor more than one hundred dollars.

Article 902. **Auctioneer Failing to Report Sales of Animals.**—If any auctioneer or other person shall sell at auction any horse, mule, or ox, and shall fail, within ten days after such sale,to file with the Clerk of the County Court the written statement specified in the preceding article, duly attested with his certificate as to its genuineness, and accompanied with a further certificate containing an accurate description of the animal sold, together with the name and residence of the seller and purchaser, he shall be punished as prescribed in the preceding article.

KILLING UNBRANDED OR UNMARKED CATTLE.

Article 907. If any person shall knowingly kill any unmarked or unbranded animal of the cattle species, or any unmarked hog, sheep, or goat not his own, he shall be fined not less than twenty-five nor more than one hundred dollars.

Article 908. **Procedure in Prosecutions for.**—In the prosecutions under the preceding article it shall only be necessary for the State to allege and prove that the animal killed was not the property of the accused, without stating or proving the true owner of such animal.

Article 909. **Skinning Cattle.**—If any person shall remove the hide, or any part thereof, from any cattle not his own, and without the consent of the owner, he shall be fined in a sum not less than twenty nor more than one hundred dollars, and the removal of each separate hide from each animal shall constitute a separate offense.

Article 910. **Having Possession of Hide Without Owner's Consent.**—If any person shall be found in possession of any hide of any cattle not his own, and possession of said hide is obtained without the consent of the owner or legal representative, he shall be fined in a sum not less than twenty nor more than one hundred dollars.

Article 911. **Having Possession of Hide with Brand Cut out, etc.**—If any person be found in possession of any hide of any cattle with brand cut out or disfigured, and shall offer the same for sale, he shall be fined in a sum not

less than twenty nor more than one hundred dollars, and the possession and offer of sale of each hide with the brand cut out or disfigured shall constitute a separate offense; provided, that nothing in this Act shall prevent any person who shall be guilty of the offense of theft of such hide from being prosecuted and convicted for such offense.

Article 912. **Milking Another's Cow.**—If any person, without the consent of the owner, shall take up, use or milk any cow not his own, he shall , for every such offense be punished by a fine not exceeding ten dollars.

OFFENSES AGAINST LABELS, TRADE MARKS, ETC.

Article 918a. .**Unlawful to Use, etc. Trademark of Another.**—It is hereby declared to be unlawful for any person or persons, corporate or otherwise, other than the proprietor, or by his written consent, to fill for the purpose of traffic, or for sale, with any compound whatever, any box, syphon, bottle or other container so marked, recorded in the office of the County Clerk, and published as provided in Article 318a of the Revised Civil Statutes, or to deface, erase, obliterate, cover up, or otherwise remove or cancel any such mark or device.

Article 918b. **Possession Prima Facie Evidence, etc.**—to knowingly and wilfully have in possession otherwise than by contract with the proprietor of the goods herein enumerated, or with his duly accredited agents, any of the vessels in said article of the Revised Civil Statutes enumerated, or to use, buy, sell or dispose of any such vessel, with or without contents of any kind, except by authority of the proprietor, or to wantonly and wilfully break, damage, mar, injure or destroy any vessel, is declared hereby to be prima facie evidence of such unlawful use, and shall constitute a misdemeanor punishable by a fine upon conviction in a court of competent jurisdiction, an employee being equally liable with the principal so offoffending.

Article 918c. **Penalties.**—Any person violating any of the provisions of said article of the Revised Civil Statutes, shall be deemed guilty of a misdemeanor, and upon conviction before a Justice of the Peace shall be fined for such unlawful use of each and every box five dollars; for each and every syphon, five dollars, for each and every bottle and for every other receptacle, except a fountain, five dollars; and for each fountain, twenty-five dollars; the fines so designated to be to the minimum in each case, the maximum not to exceed double the minimum.

Article 918d. **Counterfeiting Trademark,etc.—Penalty.**—Whenever any person, association, private corporation or union of working men, incorporated or unincorporated, have adopted or shall hereafter adopt for their protection any label, trademark, design, device, imprint or form of advertisement, indicating that goods to which such label, trademark, design, device, imprint or form of advertisement shall be attached, were manufactured by such person, association, private corporation or union, or by a member or members of such association or union, it shall be unlawful for any person, inclusive of officers, agent, receiver or receivers of corporations, to counterfeit or imitate such label, trademark, design, device, imprint or form of advertisement or to use such counterfeit or imitation of such label, trademark, design, device, imprint, or form of advertisement, knowing the same to be a counterfeit or imitation, or to aid, assist, countenance or knowingly permit such counterfeit or imitation for his own use or benefit, or for the use or benefit of any corporation of which he may be an officer, agent or receiver, every person, whether in his individual capacity or as an officer, agent or receiver of a corporation, violating this article shall, upon conviction, be punished by a fine not less than twenty-five nor more than one hundred dollars, and each day's violation of this article shall be considered a separate offense.

Article 918e. **Unlawfully Using.—Penalty.**—Every person, whether in his individual capacity or as the of-

ficer, agent or receiver of a corporation, who shall wilfully and knowingly use or display the genuine label, trademark, design, device, imprint or form of advertisement, or name of any such person, association or union, incorporated or unincorporated, not being authorized to use or display the same, or shall aid, assist, countenance or knowingly permit the use of same, not being authorized to use the same, shall, upon conviction, be punished by a fine not less than twenty-five nor more than one hundred dollars.

TEACHERS' CERTIFICATE.

Article 1006. **Teacher Contracting with Trustees shall Exhibit Certificate, Penalty for Approving, etc.**—Any county or city superintendent or board of trustees who shall approve any teacher's certificate or voucher until the person has presented a valid certificate shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars.

Article 1006a. **Prohibiting Traffic in Examination Questions.**—Any person or persons who shall sell, barter or give away, prior to any forthcoming examination, to applicants for teachers' certificates, or to any other person, the questions prepared by the State Superintendent of Public Instruction to be used by the County Boards of Examiners in the examination of teachers at said forthcoming examination, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

OFFENSES BY RAILWAY OFFICIALS OF— AGAINST RAILWAYS.

Article 1010a. Locomotive Egineer Failing to Sound Bell and Whistle.—Penalty.—A bell of at least thirty pounds weight and a steam whistle shall be placed on each locomotive engine, and the whistle shall be blown

and the bell rung at the distance of at least eighty rods from the place where the railroad shall cross any public road or street, and such bell shall be kept ringing until it shall have crossed such public road or stopped; and each locomotive engine approaching a place where two lines of railway cross each other shall, before reaching such railway crossing, be brought to a full stop; and any engineer having charge of such engine, and neglecting to comply with any of the provisions of this article, shall be fined in any sum not less than five nor more than one hundred dollars for such neglect, and the corporation operating such railway shall be liable for all damages, which shall be sustained by any person by reason of such neglect; provided, however, that the full stop at such crossings may be discontinued when the railroads crossing each other shall put in full operation at such cossing an interlocking switch and signal apparatus, and shall keep a flagman in attendance at such crossing.

Article 1010h. **Unlawful Boarding of Train.**—Any person who shall board any passenger, freight or other railway train, whether moving or standing, for the purpose and without in good faith intending to become a passenger thereon, and with no lawful business thereon, and with intent to obtain a free ride on such train, however short the distance, without the consent of such person or persons in charge thereof, shall be guilty of a misdemeanor, and shall be punished by fine of not less than five dollars nor more than one hundred dollars.

REGULATING THE TAKING OF SCHOLASTIC CENSUS.

Article 1024. When the census trustee or assessor visits any home or house or place of abode of a family and fails to find either the parent or any person having legal control, it shall be the duty of the census trustee to leave the prescribed census blank for the use of the parents at such home or place of abode, with a note to the parent or guardian having legal control of the child or children, requiring that the form be filled out, sworn and

subscribed to before the census trustee, or an officer authorized to administer oaths and that the blank, when so filled out, shall be delivered by the parent or person having legal control of the child or children to the census trustee.

Every person having control of any child which will be over eight and under seventeen years of age on the first day of September next thereafter, and who, being requested by the census trustee to prepare said form necessary to enable the trustee to prpare the same, shall refuse to do so, or shall refuse to make oath to said form when filled according to his statement of facts in regard to said children, or shall fail to return the form left at his home in his absence, as above required, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars. And it shall be the duty of the census trustee at once to file with some Justice of the Peace of competent jurisdiction complaint against such person. Only children of the same family shall be listed on one form, and if one person has under his control children of different family name, he shall use a separate form for each family name.

The census trustee shall arrange the forms for white and colored children separately in alphabetical order, according to the family name of the children reported thereon. He shall also make, on a prescribed form separate census rolls for white and colored children of his district, showing the name, age, sex, and color of each child, and the name of the parent, guardian or person having control of said children by whom it is reported. He shall also make a summary of his rolls showing the number of children of each race that will be of the different ages from eight to sixteen, inclusive, on the first day of the next September, which shall continue to be the scholastic age, as is now provided by law. He shall make oath to his rolls and summaries and to the faithful and accurate discharge of his duties, deliver the rolls, together with the forms arranged in alphabetical order, to the County Superintendent on or before June 1st, after his appointment.

Any census trustee who shall wilfully fail or refuse to obtain the necessary information in regard to any child which will be over eight and under seventeen years of age on the first day of September next thereafter, or who shall wilfully fail or refuse to include any child within said ages in his rolls, or shall wilfully make any false report roll or summary, shall be guilty of false swearing and shall be punished as prescribed by law for that offense. And if the county superintendent finds or believes that any census trustee has violated any duty required under this Act, such county superintendent shall report said census trustee to the grand jury of the county at its next session after descovering such breach of duty.

Article 1025. **Violation of the Text Book Act.**—Any teacher or trustee who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars for each offense, and every day of such violation shall be considered a separate offense.

PHYSICIANS KNOWINGLY CONCEALING CONTAGIOUS DISEASE.

Article 478d. Any physician who shall knowingly conceal any case of contagious disease, or who shall fail to report to the county or city health officer any case of contagious disease of which he may have knowledge, shall, upon conviction, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

REGULATING EMPLOYMENT OF CHILDREN.

(Laws 1903, page 40).

Section 1. Any person or any agent or employe of any person, firm or corporation, who shall hereafter employ any child under the age of twelve years to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be

fined not less than fifty dollars, and not more than two hundred dollars, and each day the provisions of this act are violated, shall constitute a separate offense.

Section 2. Any person or any agent or employe of any person, firm or corporation, who shall hereafter employ any child between the ages of twelve and fourteen years (who cannot read or write simple sentences in the English language) to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than two hundred dollars, and each day the provisions of this act are violated shall constitute a separate offense provided that such child who has a widowed mother or parent incapacitated to support it, may be employed between the hours of 6 a. m. and 6 p. m., provided further, that such parent is incapacitated from earning a living, and has no means of support other than the labor of such child; and in no event shall any child between the years of twelve and fourteen years, be permitted to work outside the hours between 6 a. m. and 6 p. m.

Section 3. Any person or agent or employe of any person, firm or corporation, owning, operating or assisting in operating any mine, distillery or brewery, who shall employ any child under the age of sixteen years to labor in or about any mine, distillery or brewery, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty, nor more than two hundred dollars.

PROHIBITING SELLING LIQUOR TO DRUNKARDS.

Laws 1903, page 69.

Section 1. Any person who shall knowingly sell or give, or cause to be sold or given, or who shall be instrumental in the giving, selling or procuring of any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person who is a habit-

ual drunkard, shall be fined not less than twenty-five nor more than one hundred dollars.

DISINFECTING PUBLIC BUILDINGS, ETC.

Laws 1903, Page 180.

Section 1. That it shall be the duty of the State Health Officer of Texas, and he is hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings and all railway coaches and sleeping cars operated in the State of Texas.

Section 2. It shall be his duty and he is hereby authorized and empowered to prescribe a sanitary code which shall contain and provide rules and regulations of general nature for the improvement and amelioration of the hygienic and sanitary condition of said public buildings, railway coaches and sleeping cars.

Section 3. Every person having control of any public building, railway company, sleeping car company, or other corporation, company or individual or the receiver thereof, engaged in the carrying of passengers of this State, shall at their own expense within a prescribed time after receiving notice from the State Health Officer of the promulgation of the rules and regulations in the above sections mentioned, carry the same into effect.

Section 4. If any person having control of any public building, or any agent, manager, operator, employe or receiver of any railway company, sleeping car company, or any individual shall fail to comply with the provisions of this Act, and the rules and regulations promulgated by the State Health Officer under the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty, nor more than two hundred dollars.

DIVERSION FROM METERS.

Laws 1905, Page 205.

Section 1. That whoever intentionally by any means or device prevents electric current, water or gas, from passing through any meter or meters belonging to a person, corporation, or company, engaged in the manufacture or sale of electricity, water or gas, for lighting, power or other purposes, furnished such person to register the current of electricity, water or gas, passing through meters; or intentionally prevents a meter from duly registering the quantity of electricity, water or gas, supplied, or in any way interferes with its proper action or just registration, or without the consent of such person, corporation or company, intentionally diverts any electric current from any wire or water or gas from any pipe or pipes of such person, corporation or company, or otherwise intentionally uses or causes to be used without the consent of such person, corporation or company any electricity or gas manufactured, or water produced or distributed by such person, corporation or company, or any person, corporation or company who retains possession of or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be or may have been loaned them by any person, corporation or company for the purpose of furnishing electricity, water or gas through the same with the intent to defraud such person, corporation or company; or any person, corporation or company engaged in the manufacture and sale of electricity, water or gas for lighting, power or other purposes, shall knowingly misread any meter, or overcharge any customer for such light, water or gas furnished, shall for every offense be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars. Every person, corporation or firm engaged in the business referred to in this act shall keep displayed at all times in a conspicuous place in their office, a printed copy of this act.

DRUGS—REGULATING SALE OF COCAINE, ETC.

Laws 1905. Page 45-46.

Section 1. That it shall be unlawful for any person, firm or corporation, to sell, furnish or give away cocaine, salts of cocaine or preparations containing cocaine or salts of cocaine or any morphine or salts of morphine, or any preparations containing morphine or salts of morphine, or any opium or preparations containing opium, or any chloral hydrate or preparations containing chloral hydrate except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, and if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation, who shall compound or dispense the article ordered or prescribed and it shall not be recompounded or dispensed a second time, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by properly authorized officers of the law. Provided, however, that the above provision shall not apply to preparations containing not more than two grains of opium, nor more than one-eighth grain of morphine, nor not more than two grains of chloral hydrate, nor not more than one-sixteenth grain of cocaine, in one fluid ounce, or if a solid preparation, in one avoirdupois ounce; provided also that the above provision shall not apply to preparations recommended in good faith for diarrhoea or cholera, each bottle or package of which is accompanied by specific directions for use, and the caution against habitual use, nor to liniments or ointments when

plainly labeled "For External Use Only." And provided further, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to retail druggists, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor the sale to hospitals, colleges, scientific or public institutions; nor to the sale of patent or proprietary medicines sold by druggists or others containing any of the foregoing substances, the sale of which is prohibited by this act; provided such preparations be not compounded or sold for the purpose of the evasion of this act.

Section 2. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish or to prescribe for the use of any habitual user of the same, any cocaine or morphine, or any salts or compounds of cocaine or morphine, or any preparation containing cocaine or morphine or their salts, or any opium, or chloral hydrate or any preparation containing opium or chloral hydrate, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs such substances as he may deem necessary for the treatment of such habit.

Section 3. Any person who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than twenty-five ($25.00) dollars nor more than fifty ($50.00) dollars and upon a conviction for a second offense shall be fined not less than

fifty ($50.00) dollars nor more than one hundred ($100.00) dollars, and upon conviction for a third and all subsequent offenses shall be fined not less than one hundred dollars ($100.00) nor more than two hundred ($200.00) dollars, and shall be imprisoned in the county jail for not less than six months.. It shall be the duty of the grand jury to make presentments for vilations of this act.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

PROHIBITING DRINKING LIQUORS ON TRAINS.

(Laws 1907, page 51-2.

Section 1. That it shall be unlawful for any person to drink intoxicating liquors of any kind in or upon any railway passenger train, or coach or closet vestibule thereof or platform connected therewith, while said passenger train or coach is in the service of passenger transportation within this State. Provided that nothing in this act shall be construed to prevent the use of intoxicating liquors as stimulant in case of actual sickness of the person using said stimulant.

Section 2. Any person violating Section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars nor more than one hundred dolalrs.

PROHIBITING COCK FIGHTS.

Laws 1907, page 156.

Section 1. That any person who shall match or be concerned in matching any cock fight or who shall or be concerned in matching or causing a fight between any animals or fowls, or who shall keep or be concerned in keeping any cockpit or other place for the purpose of matching fights between cocks or any other animals or fowls, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten nor

more than one hundred dolars. Each day such cock pit or other place as aforesaid shall be kept shall constitute a separate offense.

USING VULGAR, ETC., LANGUAGE OVER PHONES.

Laws 1909, Page 87.

Section 1. If any person shall use any vulgar, profane, obscene or indecent language over or through any telephone in this State, h shall b guilty of a misdmeanor, and on conviction shall be fined in any sum not lss than five dollars, nor more than one hundred dollars.

CHAPTER XLIX.

EXTRACTS FROM THE STATE CONSTITUTION RELATING TO THE MUNICIPAL CORPORATIONS.

(For Revised Code of Ordinances of Beaumont).

Religious Opinions No Disqualification as a Witness —Perjury.—No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury. Bill of Rights, Section 5.

Unreasonable Seizures and Searches Forbidden.—The people shall be secure in their persons, houses, papers and possession from all unreasonable seizures and searches and no warrant to search any place, or to seize any person or things, shall issue without describing them as near as may be, nor without probable cause, supported by oath, or affirmation. Bill of Rights, Section 9.

Rights of Accused Persons in Criminal Prosecutions.—In all criminal prosecutions the accused shall have a speedy and public trial by an impartial jury. He shall have a right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall

not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel or both; shal be confronted with the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, and no person shall be held to answer a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment and in cases arising in the army or navy, or in the militia when in actual service, in time of war or public danger. Bill of Rights, Section 10.

Bailable Offenses.—All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be provided by law. Bill of Rights, Section 11.

Trial by Jury.—The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Bill of Rights, Section 15.

Compensation for Property Taken for Public Use —Irrevocable or Uncontrollable Grants of Special Privileges Forbidden.—No person's property shall be taken, damaged or destroyed for, or applied to public use, without adequate compensation being made, unless by the consent of such person, and when taken, except for the use of the State, such compensation shall be first made, but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof. Bill of Rights, Section 17.

Right to Keep and Bear Arms.—Every citizen shall have the right to keep and bear arms in lawful defense of himself or the State; but the Legislature shall have the power by law to regulate the wearing of arms with a view to prevent crime. Bill of Rights, Section 23.

The following classes of persons shall not be allowed to vote in this State:

1. Persons under twenty-one years of age.

2. Idiots or lunatics.
3. All paupers supported by the county.
4. All persons convicted of any felony, except those restored to full citizenship and right of suffrage, or pardoned.
5. All soldiers, mariners and seamen employed in the service of the army and navy of the United States. (Article 6, Section 1.)

State and County Qualifications For Voters.—Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State for one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; every male person of foreign birth, subject to none of the foregoing disqualifications, who not less than six months before an election at which he offers to vote shall have declared his intention to become a citizen of the United States, in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote shall be deemed a qualified elector and all electors shall vote in the election precinct of their residence; provided, that the electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas, shall have paid said taxes before he offers to vote at any election in this State, and holds a receipt showing the payment of his poll tax before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election; and this provision of the Constitution shall be selfenacting without the necessity of further legislation. (Art. VI, Sec. 2).

Right of Qualified Voters to Vote for Mayor and Other Elective Officers.—All qualified electors of this State, as described in the foregoing articles who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers; but in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in such city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto. (Art. VI., Sec. 3).

Voters Privileged from Arrest, Exceptions.—Voters shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning therefrom. (State Constitution, Art. VI., Sec. 5).

Power to Tax Corporations Shall not be Surrendered or Suspended.—The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature by any contract or grant to which the State shall be a party. (State Constitution, Art. VIII, Sec. 4).

Taxation of Railroad Property.—All property of railroad companies of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have the power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality. (State Constitution, Art. VIII, Sec. 5).

Control of Street for Street Railway Purposes.—No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway, without first requiring the consent of the local authorities having control of the streets or highways proposed to be

occupied by such street railroad. (State Constitution, Art. X, Sec. 7).

Municipal Corporations Shall not be Stock Holders in, or Aided by Appropriation or Loan or Credit to, any Private Corporation.—No countty, city of other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association or make any appropriation or donation to the same, or in anywise loan its credit, but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law. (State Constitution, Art. XI, Sec. 3).

Charters by Special Act; Municipal Powers of Taxation; Limitation; Creation of Debt.—Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent of the taxable property of such city; and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon. (State Constitution, Art. XI, Sec. 5).

Power to Levy Taxes to Pay Debts.—Coupons and Bonds Receivable in Payment—Counties, cities and towns are authorized in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken, but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify, in the act of levying, the purpose therefor, and such taxes may be paid in coupons, bonds or other indebtedness for the payment of which such tax may have been levied. (State Constitution, Art. XI, Sec. 6).

City Property Exempt for Execution and Taxation, Proviso.—The property of counties, cities and towns, owned and held for public purposes, such as public buildings, and the sites therefor, fire engines and furniture thereof, and all property used or intended for extinguishing fires, public grounds, and all other property devoted exclusively to the use and the benefit of the public, shall be exempt from forced sale and from taxation; provided, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builders' lien, or other liens now existing. (State Constitution, Art. XI. Sec. 9).

City may be Made an Independent School District, and May Levy and Collect a Tax to Support Institutions of Learning.—The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the tax payers of such city or town shall vote for such tax. (State Constitution, Art. XI, Sec. 10).

Oath of Office.—Members of the legislature, and all officers, before they enter upon the duties of their office, shall take the following oath or affirmation: "I..... .....do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as..... according to the best of my skill and ability, agreeable to the constitution and laws of the United States and of this State; I do further solemnly swear, (or affirm) that since the adoption of the constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered or

promised to pay, contributed, nor promised to contribute, any money or valuable thing, nor promised any public office or employment, as a reward for the giving or withholding of a vote at the election at which I was elected (or if the office is one of appointment, to secure my appointment). So held me God." (State Constitution, Art. XVI, Sec. 1).

Disfranchisement for Participating in a Duel.—Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as a second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State. (State Constitution, Art. XVI, Sec. 4).

Giving or Offering a Bribe Disqualifies for Holding Office.—Every person shall be disqualified from holding any office of profit or trust in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment. (State Constitution, Art. XVI, Sec. 4).

Giving or Offering a Bribe Disqualifies for Holding Office.—Every person shall be disqualified from holding any office of profit or trust in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment. (State Constitution, Art. XVI, Sec. 5).

Officers Hold Over Until Their Successors Qualify.—All officers within this State shall continue to perform the duties of their office until their successors shall be duly qualified. (State Constitution, Art. XVI, Sec. 17).

CHAPTER L.

EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE RELATING TO THE POWERS AND DUTIES OF MAYOR OR RECORDER, MARSHAL AND POLICEMEN OF MUNICIPAL CORPORATIONS.

Article 41. **Magistrates.**—Either of the following officers is a "Magistrate" within the meaning of this code. The Judge of the Supreme Court, the Judges of the Court of Appeals, the Judges of the District Court, the County Judge, either of the County Commissioners, the Justices of the Peace, the Mayor or Recorder of an incorporated city or town. C. C. P. Art. 41 (42).

Article 42. **Duties of Magistrates.**—It is the duty of every magistrate to preserve the peace within his jurisdiction by the use of all lawful means; to issue all process intended to aid in preventing and suppressing crime; to cause the arrest of offenders by the use of lawful means, in order that they may be brought to punishment .C. C. P. Art. 42 (43).

Article 43. **Peace Officers.**—The following are "Peace Officers:" The Sheriff and his deputies, Constable, the Marshal (Chief of Police), Constable or Policeman of any incorporated town or city, and any private person specially appointed to execute criminal process. C. C. P. Art. 43 (44).

Article 44. **Duties of Peace Officers.**—It is the duty of every peace officer to preserve the peace within his jurisdiction. To effect this purpose, he shall use all lawful means. He shall, in every case where he is authorized by the provisions of this code, interfere without warrant, to prevent or suppress crime. He shall execute all lawful process issued to him by any magistrate or court. He shall give notice to some magistrate of all offenses committed within his jurisdiction, where he has good reason to believe there has been a violation of the penal code. He shall arrest offenders without warrant in every case

where he is authorized by the law in order that they may be taken before the proper magistrate or court, and be brought to punishment. C. C. P. Art. 44 (45).

Article 45. **Peace Officer May Summon Citizens to His Assistance.—W**herever a peace officer meets with resistance in discharging any duty imposed upon him by law, he shall summon a sufficient number of citizens of his county to overcome the resistance, and all persons summoned are bound to obey, and if they refuse are guilty of the offense prescribed in Article 229 of the Penal Code, C. C. P. Art. 45 (46).

Article 46. **Duty of Peace Officer in Case of Refusal of Assistance by Citizen.**—The peace officer, who has summoned any person to assist him in performing any duty, shall report such person, if he refuses to obey, to the District or County Attorney of the proper District or County in order that he may be prosecuted for the offense. C. C. P. Art. 46 (47).

Article 47. **Penalty for Failure by Officer to Execute Process.**—If any sheriff or other officer shall wilfully refuse, or fail from neglect, to execute any summons, subpoena or attachment for a witness, or any other legal process, which is made his duty by law to execute, he shall be liable to a fine for contempt of not less than ten nor more than two hundred dollars, at the discretion of the court having cognizance of the same, and the payment of said fine shall be enforced in the same manner as fines for contempt in civil cases. C. C. P. Art. 47 (48).

Article 98. **Jurisdiction of Mayors' and Recorders' Courts.**—Mayors and Recorders of incorporated cities and towns shall have and exercise the same jurisdiction as Justices of the Peace, within the limits of their respective corporations, and the provisions of this Code governing Justices' Courts, shall apply to Mayors' and Recorders' Courts. C. C. P. Art. 98 (78).

Article 99. **May try Criminal Causes at any Time—** Justices of the Peace, Mayors and Recorders may sit at any time to try criminal causes over which they have jurisdiction. C. C. P. Art. 99 (79).

Article 247. **Arrest Without Warrant, When.**—A peace officer or any other person may without warrant arrest an offender when the offense is committed within the presence or within his view, if the offense is one classed as a felony, or as an offense against the public peace. C. C. P. Art. 247 (226).

Article 248. **Arrest when Ordered by Magistrate.**—A peace officer may arrest without warrant when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate shall verbally order the arrest of the offender. C. C. P. Art. 247 (227).

Article 249. **Cities may Establish Rules for Arrest Without Warrant.**—The municipal authorities of towns and cities may establish rules authorizing the arrest without warrant of persons found in suspicious places, and under circumstances that reasonably show that such persons have been guilty of some felony or breach of the peace; or threaten or are about to commit some offense against the laws. C. C. P. Art 249 (228).

Article 250. **Arrest Without Warrant Upon Information to Prevent Escape.**—Where it is shown by satisfactory proof to a peace officer, upon the presentation of a credible person, that a felony has been committed, and that the offender is about to escape so that there is no time to produce a warrant, such peace officer may without warrant pursue and arrest the person accused. C. C. P. Art. 250 (229).

Article 251. **Officer Making Arrest With or Without Warrant may Adopt Same Measures.**—In all cases enumerated where arrests may be lawfully made without warrant the officer or other person making the arrest is justified in adopting all the measures which he might adopt in cases of arrest under warrant, as provided in this code. C. C. P. Art. 251 (230).

Article 252. **Persons Arrested Shall be Immediately Taken Before Magistrate.**—In all cases enumerated in this chapter, the person making the arrest shall immedi-

ately take the person arrested before th magistrate who may have ordered the arrest, or before the nearest magistrate where the arrest was made, without an order. C. C. P. Art. 252 (231).

Article 929. **Criminal Jurisdiction of Mayors' Court.**—The Mayor, or the officer by law exercising the duties usually incumbent upon the Mayors of incorporated towns and cities, and Recorders thereof, shall exercise within the corporate limits of their respective towns or cities the same criminal jurisdiction which belong to the Justices of the Peace, within their jurisdiction, under the provisions of this code. C. C. P. Art. 929 (894).

Article 930. **Rules of Procedure Before Mayor's Court.**—The proceedings before Mayors and Recorders shall be governed by the same rules which are prescribed for Justices of the Peace, and every provision of this code, with respect to a Justice, shall be construed to extend to Mayors and Recorders within the limits of their jurisdiction. C. C. P. Art. 930 (895).

Article 931. **Concurrent Jurisdiction of the Mayor and Justice of the Peace; no Person Shall be Tried Twice for the Same Offense; Proviso.**—The jurisdiction given to Mayors and Recorders of incorporated towns and cities shall not prevent Justices of the Peace from exercising the criminal jurisdiction conferred upon him; but in all cases where there is an incorporated town or city within the bounds of a county, the Justice and the Mayor, or Recorder, shall have concurrent jurisdiction within the limits of such town or city; and no person shall be punished twice for the same act or ommission, although such act or omission may be an offense against the penal laws of the State; as well as against the ordinances of such city or town; provided, that no ordinance of a city or town shall be valid which provides a less penalty for an act, omission or offense, than is prescribed by the statutes, where such an act or omission is an offense against the State, C. C. P. Art. 931 (896).

Artile 932. **Process by Mayor or Recorder; How Di-**

rected.—Warrants issued by the Mayor or Recorder are directed to the Marshal, or other proper officer of the town or city where the criminal proceedings is had; but in case there be no such officer, the process issued by the Mayor or Recorder shall be directed to any peace officer within the city, town or county, and shall be executed by such officers. C. C. P. Art. 932 (897).

Article 933. **Where Process May be Executed.**—When the party, for whose arrest a warrant is issued by a Mayor or Recorder, is not to be found within the limits of the incorporation, the same may be executed anywhere within the limits of the county which such corporation is included, by the marshal, or other proper officer of such town or city or by any peace officer of such county, and may be executed in any county in the State under the same rules governing warrants of arrest issued by the Justice of the Peace. C. C. P. Art. 933 (898).

Art. 934. **The Mayor's or Recorder's Docket, What it Shall Show.**—Each Justice of the Peace, Mayor and Recorder, shall keep a docket in which he shall enter the proceedings in all examinations and trials for criminal offenses had before him, which docket shall show:

1. The style of the action.
2. The nature of the offense charged.
3. The date of the issuance of the warrant and the return made thereon.
4. The time when the examination or trial was had, and, if the same was a trial, whether it was by jury or by himself.
5. The verdict of the jury, if any.
6. The judgment of the court.
7. Motion for new trial, if any, and the action of the court thereon.
8. Notice of appeal, if any.
9. The time when and the manner in which the judgment was enforced.

C. C. P. Art. 934 (899).

Article 935. **Certified Transcript of Docket to be Filed with the Clerk of the District Court.**—At each term of

the District Court each Justice of the Peace, Mayor and Recorder in each county shall on the first day of the term of said court for their county, file with the clerk of said court a certified transcript of the docket kept by such Justice, Mayor or Recorder, as required by the preceding article, of all criminal cases examined or tried before him since the last term of such District Court; and the Clerk of such Court shall immediately deliver such transcript to the foreman of the grand jury. C. C. P. Art.

CHAPTER I.

BOND ISSUES.

FUNDING—GENERAL INDEBTEDNESS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, bonds to the extent of fourteen thousand dollars to be called the City of Beaumont funding bonds for and in behalf of the City of Beaumont to borrow money on the faith and credit of the City of Beaumont to be used in taking up and paying off and cancelling all outstanding script indebtedness issued against the general fund of the said city, and against the Street and Bridge fund of the city and issued prior to the 5th day of August, A. D. 1899, against each of said funds to meet the current expenses of the said city prior to the 5th day of August, 1899, the said bonds provided for herein being issued under and by authority of Section forty- eight (48) of the Charter of the City of Beaumont which provides for the funding or refunding of all or any part of the general or script indebtedness of the City of Beaumont.

Sec. 2. That the Mayor of the City of Beaumont is hereby instructed to prepare Fourteen Thousand Dollars Bonds in denominations of Five Hundred Dollars each payable in current coin or other lawful money of the United States of America and shall be numbered from one to twenty-eight inclusive, said bonds to be dated the 5th day of August, A. D. 1899 and shall become due and payable forty years after date, but shall be redeemable at the option of the City of Beaumont at any time after twenty years after date thereof and bear interest at the rate of five per cent per annum, interest payable semi-annually on the first day of January and July of each year thereafter up to and including the 5th day of August A. D. 1939 as per interest coupons attached to said bonds. The bonds

herein provided for shall be signed by the Mayor and countersigned by the City Secretary and shall bear the impress of the seal of the City of Beaumont, Texas. The coupons shall bear the engraved signature of the Mayor and the City Secretary and both principal and interest shall be payable at the National Bank of the City of New York, N. Y.

Sec. 3. Said bonds when prepared shall be placed in the hands of the Mayor of the City of Beaumont, and said Mayor shall, as soon as practicable, proceed to sell the same at either private or public sale, at not less than par and accrued interest. The proceeds of said bonds when so sold shall be placed in the hands of the City Treasurer of the City of Beaumont to be used by him in paying off and cancelling all outstanding script of the said city issued prior to the 5th day of August, A. D. 1899 against the general fund and against the Street and Bridge Fund of the City of Beaumont.

Sec. 4. For the purpose of paying interest on said bonds as provided for in this ordinance and creating a sinking fund sufficient to redeem them at maturity, there is hereby levied for the year 1899, on each one hundred ($100.00) dollars valuation of property in the City of Beaumont liable to taxation a special ad valorem tax of five and one-half cents and said tax or as much thereof as may be necessary is also levied for each succeeding year so long as may be necessary to provide for the interest and sinking fund aforesaid on the entire amount of said bond and if at any time the amount of said assessment shall not be sufficient to provide for the interest and sinking fund aforesaid, then it shall be the duty of the City Council of the City of Beaumont, to increase said assessment so that a sufficient sum shall be realized to meet the requirements for the interest and sinking fund for said bonds. And it is hereby promised and agreed that such increase shall be made if required for the purpose named. That to meet the interest and sinking fund to become due on this issue of bonds during the year 1899, there is hereby appropriated out of the tax hereto-

fore levied to meet the interest and sinking fund on the outstanding bonded indebtedness of said city, a sufficient amount to meet the same.

Sec. 5. That this ordinance be in force and take effect from and after its passage. Approved this 4th day of August, 1899.

Whereas, at an election held for the purpose on the 11th day of November, 1902, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election, sustained the proposition to issue the bonds hereinafter described by a vote of 280 for the issuance of said bonds and a vote of 38 against the issuance of said bonds, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City Council of the City of Beaumont, Texas, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the city for the purpose of funding its general indebtedness, evidenced by script heretofore issued and now outstanding.

Sec. 2. That the Mayor is hereby instructed to have prepared twenty-five bonds of the denomination of one thousand dollars each, aggregating the sum of $25,000.00, payable in current coin or other lawful money of the United States of America, and to be numbered consecutively from one to twenty-five inclusive.

Sec. 3. Said bonds shall be dated the 1st day of December, 1902, and shall run forty years from their date, but the right shall be reserved by the city, to redeem the same at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of four per cent per annum payable semi-annually on the first day of December and the first day of June of each year, according to the tenor of interest coupons thereto attached; said bonds shall be signed by the Mayor, countersigned by the City Secretary, and

registered by the City Treasurer and the seal of the city shall be impressed upon each of them; the coupons shall bear the engraved signature of the Mayor and City Secretary.

Sec. 5. Principal and interest shall be payable on presentation and surrender of the bonds or proper coupons at the office of the City Treasurer of the City of Beaumont, Texas, or at the Seaboard National Bank of the City of New York, N. Y., at the option of the holder.

Sec. 6. It is also ordained that the Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General, and upon their approval and registration, shall proceed to sell the same at public or private sale at not less than their face value, ue, the proceeds of the bonds, when they shall have been sold, shall be deposited in the hands of the City Treasurer and it is hereby made the duty of the Mayor to provide that the said bonds shall be delivered to the purchaser in the City of Beaumont and that payment shall be made for said bonds by the purchaser thereof in the said City of Beaumont.

Sec. 7. For the purpose of paying interest on said bonds and creating a sinking fund, sufficient to discharge them at maturity a tax of two and forty one-hundredths (2 40-100) cents on each one hundred dollars valuation of all taxable property in the said City of Beaumont, shall be annually assessed and collected until said bonds and interests are paid and said tax of two and forty one-hundreths (2 40-100) cents on each one hundred dollars out of a tax of fifty cents, levied for general ad valorem purposes by this council on the 6th day of May, 1902, the ordinance making said levy, being of record on page 150, Book No. 1 of the Minutes of Ordinances of the City of Beaumont, is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected, and so applied; and said tax, or as much thereof as may be necessary is hereby levied for each year hereafter, while said bonds are outstanding, and the same shall be an-

nually assessed and collected and applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in force from and after its passage and approval. Approved this the 18th day of November, 1902.

CHAPTER II.

WATER WORKS SYSTEM—BONDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT OF THE STATE OF TEXAS:

Sec. 1. That the bonds of said city, to be called water works and street paving bonds, shall be issued under and by virtue of the Constitution and Laws of the State of Texas for the purpose of completing the construction of a system of water works in said city and paving the public streets of said city.

Sec. 2. The said bonds shall be numbered from one to thirty inclusive, and shall be in denomination of $500.00 each and aggregate $15,000.00.

Sec. 3. They shall be dated the first day of August, A. D. 1898, and shall become due and payable forty years from date; but shall be redeemable at the option of the City of Beaumont at any time after twenty years from the date of same.

Sec. 4. They shall bear interest at the rate of 5 per cent per annum, payable semi-annually, on the first day of August and the first day of February of each year.

Sec. 5. The principal and interest shall be payable upon the presentation and surrender of the said bonds or proper coupons in current coin or other lawful money of the United States of America at the National City Bank of New York, N. Y.

Sec. 6. The said bonds shall be signed by the Mayor and countersigned by the City Secretary, and the seal of the city shall be impressed upon each of them, but the

signature of the Mayor and the City Secretary on the coupons may be printed or lithographed.

Sec. 7. It is further ordained by the City Council that to pay the annual interest on said bonds and to create a sinking fund sufficient to discharge them at maturity, a tax of six and one-half (.06 1-2) cents on each $100.00 valuation of all taxable property within the City of Beaumont is hereby levied for the current year, and shall be collected for the current year, and a sufficient tax for each succeeding year while said bonds are outstanding shall be assessed and collected and applied to the purposes named.

Sec. 8. It is further ordained by the City Council of the City of Beaumont that the Mayor of said city be, and is hereby authorized to take charge of said bonds pending their investigation by the Attorney General, and their registration by the comptroller, and upon their approval and registration shall negotiate the sale of same at not less than their face value, and place the proceeds thereof in the Treasury of the City of Beaumont.

Sec. 9. That all ordinances or parts of ordinances in conflict with this ordinance be, and the same are hereby expressly repealed, and that this ordinance shall take effect and be in operation from and after the date of its passage.

Passed under a suspension of the rules of the City Council of the City of Beaumont, held at Beaumont, Jefferson County, Texas, on this 26th day of July, A. D. 1898. Approved this 26th day of July, A. D. 1898.

CHAPTER III.

WHARF BONDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an election be held in the city of Beaumont, Texas, on the 22nd day of October, A. D. 1908, at

which election the following proposition shall be submitted:

Sec. 2. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city herein designated as "City of Beaumont Wharf Bonds" in the sum of fifty thousand ($50,000.00) dollars, payable in forty years after date, with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum payable semi-annually, and to levy a tax sufficient to pay the interest on said bonds and create a sinking fund sufficient to redeem same at maturity, for the purpose of building public wharves within the City of Beaumont.

Sec. 3. That said election shall be held at the following places, to-wit: In first ward, at the Beaumont City Hall; in the second ward, at the Salvation Army Barracks on Wall Street; in the third ward at Jefferson County Court House.

Sec. 4. That the following named persons are appointed officers of election:

In the first ward, Geo. D. Anderson, Presiding Judge, and W. E. Rogers, Assistant Judge.

In the second ward, Henry Schwaner, Presiding Judge, and W. P. Oldham, Assistant Judge.

In the third ward, Geo. O. B. Millard, Presiding Judge, and Guy W. Junker, Assistant Judge.

Sec. 5. That said election shall be held under the provisions of Chapter 149, Acts of the 26th Legislature, Laws of 1899, and only qualified voters who are property tax payers of said City of Beaumont, shall be allowed to vote and all voters desiring to support the proposition to issue "City of Beaumont Wharf Bonds" shall have printed on their ballots the words "For Issuance of City of Beaumont Wharf Bonds" and the voters opposed to the issue of "City of Beaumont Wharf Bonds" shall have printed on their ballots the words "against the issuance of City of Beaumont Wharf Bonds."

The manner of holding said election shall be governed by the laws of the State of Texas, regulating general elections.

Sec. 6. That the copy of this ordinance signed by the Mayor of the City of Beaumont and attested by the City Secretary, shall serve as proper notice of said election; and the Mayor is directed to cause said notice to be posted up at each of the places designated for holding said election, at least thirty days prior to the date of said election. Approved this the 16th day of September, A. D. 1908.

Whereas, at an election held for the purpose on the 22nd day of October, A. D. 1908, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Jefferson County, Texas, voting at said election, sustained the proposition to issue the bonds, hereinafter described, by a vote of 198 for the issuance of said bonds to a vote of 9 against the issuance of said bonds ,therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of the said city to be called the City of Beaumont Wharf Bonds, for the purpose of borrowing money upon the credit of the city, such money to be used in the construction of the public wharves within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from one (1) to fifty (50) inclusive, and shall be of the denomination of One Thousand ($1,000.00) dollars each, aggregating the sum of Fifty Thousand ($50,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated the first day of December, A. D. 1908, and shall become due and payable forty years from date, but the right is expressly reserved by the City of Beaumont, to redeem said bonds or any

number thereof, at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date, at the rate of five per cent per annum, the interest payable semi annually on the first day of June and the first day of December of each year, according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bonds or proper coupon, at the office of the City Treasurer of the City of Beaumont, or at the Hanover National Bank of New York at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each one of them.

Sec. 7. The fac-simile signature of the Mayor and the City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and to create a sinking fund sufficient to discharge them at maturity, a tax of three cents and three mills (.033) on each one hundred dollars valuation of all taxable property in said City of Beaumont, shall be levied annually on said property and annually assessed and collected until said bonds and interest are paid; and said tax of three cents and three mills (.033) on the one hundred dollars, out of a tax of fifty cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding indebtedness of the city by this council on the 8th day of May, A. D. 1908, the ordinance making the levy, being of record on pages 489 and 490 Vol. 1 of the Minutes of this Council, is hereby appropriated and set aside to pay the interest and create the sinking fund necessary for the current year, and shall be so assessed and collected, and so applied, and said tax or so much thereof, as may be necessary, is hereby

levied for each year hereafter while said bonds, or any number thereof, are outstanding, and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the fifty (50) bonds of the City of Beaumont, of the denomination of One Thousand (1,000.00) dollars, as above described, and that the said Mayor be authorized to take and have charge of said bonds, pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration, he shall proceed to sell them at not less than their face value at public or private sale, and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont; and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont. Passed and approved on the 27th day of October, A. D. 1908.

CHAPTER IV.

MARKET HOUSE AND FIRE STATION BONDS.

Sec. 1. That an election be held in the City of Beaumont, Texas, on the 30th day of July, A. D. 1907, at which election the following proposition shall be submitted:

Sec. 2. First. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city, hereinafter designated as Market House Bonds, in the sum of twenty thousand ($20,000.00) dollars, payable in forty years after date, with the option of redeeming same at any time after twenty years from date, bearing interest at the rate of five per cent (5) per annum, payable semi-annually; and to levy a tax sufficient to pay the interest on said bonds, and to create a sinking fund sufficient to redeem same at maturity, for the purpose of erecting a Market House on the west half of block four (4) known as Market House Square, fronting Main Street in the City of Beaumont.

Second. That the City Council of the City of Beaumont be authorized to issue the bonds of the city hereafter designated as Fire Station House Bonds, in the sum of Twenty Thousand ($20,000.00) dollars, payable in forty years after date, bearing interest at the rate of five per cent (5) per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity for the purpose of erecting and constructing three (3) Fire House Stations, to be erected in the City of Beaumont as follows:

One fronting Calder Avenue in the neighborhood of the Oaks Hotel site; one fronting College Street near the intersection of College and Archie Streets; one fronting Park Street near the intersection of Royal and Park Streets.

Sec. 3. That said election shall be held at the following places, to-wit:

In the first ward at the Beaumont City Hall. In the second ward at the Salvation Army Barracks on Wall Street. In the third ward at Jefferson County Court House.

Sec. 4. That the following persons are appointed officers of said election.

In the first ward, Charles Ives, Presiding Judge, and Alfred Du Perier, Assistant Judge.

In the second ward, Thos. Brown, Presiding Judge, M. W. Lowry, Assistant Judge.

In the third ward, Geo. O. B. Millard, Presiding Judge, George Carroll, Assistant Judge.

Sec. 5. That said election be held under the provisions of Chapter 149, Acts of the 26th Legislature, Laws of 1899, and only qualified voters, who are property tax payers of the City of Beaumont, shall be allowed to vote, and all voters desiring to support the proposition to issue Market House Bonds shall have printed on their ballots "For the issuance of Market House Bonds" and those

opposed to the issuance of Market House Bonds shall have printed on their ballots the words "Against the issuance of Market House Bonds," and all voters to support the proposition to issue Fire Station House Bonds, shall have printed on their ballots the words "For the issuance of Fire Station House Bonds" and those opposed to the issuance of Fire Station House Bonds shall have printed on their ballots the words "Against the issuance of Fire Station House Bonds."

The manner of holding said election shall be governed by the laws of the State of Texas, regulating general elections.

Sec. 6. That a copy of this ordinance signed by the Mayor of the City of Beaumont, and attested by the City Secretary, shall serve as a proper notice of said election, and the Mayor is directed to cause said notices to be posted up at said election places at least thirty (30) days prior to the date of said election. June 18th, 1907.

Whereas, at an election held for the purpose, on the 30th day of July, A. D. 1907, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election, sustained the proposition to issue bonds hereafter described by a vote of 204 for the issuance to a vote of 55 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of said city to be called the City of Beaumont Market House Bonds, for the purpose of borrowing money upon the credit of this city, such money to be used in erecting a public market house within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from one to twenty inclusive and shall be of the denomination of one thousand ($1,000.00) dollars each, aggregating the sum of twenty thousand ($20.000,00) dollars, and

shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated the 1st day of December, A. D. 1907, and shall become due and payable forty years from their date, but the right is hereby expressly reserved to the City of Beaumont to redeem said bonds or any number thereof, at any time after twenty years (20) from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five (5) per cent per annum, the interest payable semi-annually, on the first day of June and December of each year, according to the tenor and interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont, Jefferson County, Texas, or at the Oriental Bank of New York City, New York, at the option of the holders.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each one of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of one cent five mills and four-tenths of a mill (.0154) on each one hundred dollars valuation of all taxable property in said City of Beaumont, shall be annually levied on said property, and annually assessed and collected until said bonds and interest are paid, and said tax of one cent five mills and four-tenths of a mill (.0154) on the one hundred dollars out of a tax of fifty cents (50) on each one hundred dollars property valuation levied to create the interest and sinking fund and to pay the

outstanding bonded indebtedness of this city by this council on the 7th day of May, A. D. 1907 (the ordinance making said levy, being on record on pages 431 and 432 of the Ordinance Book No. 1 of the said city) is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year; and shall be assessed and collected and so applied; the said tax or so much thereof as may be necessary, is hereby levied for each year hereafter while said bonds, or any number thereof, are outstanding and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the twenty bonds of the City of Beaumont of the denomination of one thousand ($1,000.00) dollars each as above described and that the said Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General of the State of Texas and upon their approval and registration he shall proceed to sell the same at no less than their face value at public or private sale and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and payment for same shall also be made in the City of Beaumont, Texas. Passed and approved on the 17th day of September, A. D. 1907.

CHAPTER V.

FIRE STATION AND CITY HALL BONDS.

Whereas, at an election held for the purpose on the 11th day of November, 1902, a majority of the qualified voters who are property tax payers of the City of Beaumont, Texas, voting at said election, sustained the proposition, to isue the bonds hereinafter described, by a vote of 250 for the issuance of said bonds and a vote of 73 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City Council of the City of Beaumont, Texas, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the city, for the purpose of erecting a public building to be used for a City Hall, Fire Station and Calaboose.

Sec. 2. That the Mayor is hereby instructed to have prepared forty bonds of the denomination of one thousand dollars each, aggregating the sum of forty thousand dollars, payable in current coin or other lawful money of the United States of America, and to be numbered consecutively from one to forty inclusive.

Sec. 3. Said bonds shall be dated the first day of December, 1902, and shall run forty years from their date, but the right shall be reserved to the city to redeem the same at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of four per cent per annum payable semi annually on the first day of December and the first day of June of each year, according to the tenor of interest coupons thereto attached; said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them; the coupons shall bear the engraved signature of the Mayor and the City Secretary.

Sec. 5. Principal and interest shall be payable on presentation and surrender of bond or proper coupons at the office of the City Treasurer of the City of Beaumont, Texas, or at the Seaboard National Bank of the City of New York, N. Y. at the option of the holder.

Sec. 6. It is also ordained that the Mayor be authorized to take and have charge of said bonds, pending their investigation by the Attorney General, and upon their approval and registration shall proceed to sell the same, at public or private sale at not less than their facevalue

the proceeds of the bonds when they shall have been sold shall be deposited in the hands of the City Treasurer and it is hereby made the duty of the Mayor to provide that the said bonds shall be delivered to the purchaser in the City of Beaumont and that payment shall be made for said bonds by the purchaser thereof in the said City of Beaumont.

Sec. 7. For the purpose of paying interest on said bonds and creating a sinking fund sufficient to discharge them at maturity, a tax of three and eighty-four one-hundredths (3 84-100) cents on each one hundred dollars valuation of all taxable property in the said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and the said tax of three and eighty-four one-hundredths (3 84-100) cents on each one hundred dollars out of a tax of fifty cents levied to create the interest and sinking fund to pay the outstanding bonded indebtedness by this council on the 6th day of May, 1902, (the ordinance making said levy, being of record on page 150 Book No. 1 of the Minutes of Ordinances of the Ctiy of Beaumont), is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected and so applied, and said tax, or as much thereof as shall be necessary is hereby levied for each year hereafter while said bonds are outstanding, and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in force from and after its passage and approval. Approved this the 18th day of November, A. D. 1902.

Whereas, at an election held for the purpose on the 30th day of July, A. D. 1907, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue the bonds hereinafter described by a vote of 244 for the issuance of said bonds, to a vote of 12 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of said city to be called the City of Beaumont Fire Station House Bonds, for the purpose of borrowing money upon the credit of this city, such money to be used in erecting three (3) public fire station houses within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from one to twenty inclusive and shall be of the denomination of one thousand ($1,000.00) dollars each, aggregating the sum of twenty thousand ($20,000.00) dollars, and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated the first day of December, A. D. 1907, and shall become due and payable forty (40) years from that date, but the City of Beaumont expressly reserves the right to redeem said bonds or any number thereof at any time after twenty (20) years from that date.

Sec. 4. Said bonds shall bear interest from that date at the rate of five (5) per cent per annum, the interest payable semi-annually on the first day of June and December of each year, according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bonds or proper coupons at the office of the City Treasurer of the City of Beaumont or at the Oriental Bank of New York City, New York, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary, and registered by the City Treasurer and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of one cent five mills and four-tenths of a mill (.0154) on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid, and said tax of one cent five mills and one-fourth of a mill (.0154) on each one hundred dollars out of a tax of fifty (50) cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this city by this council on the 7th day of May, A. D. 1907, (the ordinance making said levy being of record on pages 431 and 432 of the Ordinance Book of said city), is hereby appropriated and set aside to pay the interest and create the necessary sinking fund of the current year and shall be assessed and collected and so applied; and the said tax, or so much thereof as may be necessary, is hereby levied for each year hereafter while said bonds, or any number thereof, are outstanding and the same shall be annually assessed and collected and applied to the purposes named. That said bonds shall be delivered to the purchaser in the City of Beaumont and payment for the same shall also be made in the City of Beaumont, Texas. Passed and approved on the 17th day of September, A. D. 1907.

CHAPTER VI.

PUBLIC IMPROVEMENT BONDS.

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of said city to be called "City of Beaumont Street Improvement and Repair Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in the improving and repairing of the streets of the city of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively

from one (1) to ten (10) inclusive, and shall be of the denomination of one thousand ($1,000.00) dollars each, aggregating the sum of ten thousand ($10,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated December 1st, A. D. 1909, and shall become due and payable forty years from date, but the right is expressly reserved by the City of Beaumont to redeem said bonds or any number thereof, at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date, at the rate of five per cent per annum, the interest payable semi-annually, on the first day of June and the first day of December of each year, according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont, or at the Hanover National Bank of New York, at the option of the holder.

Sec. 6. Said bond shall be signed by the Mayor, countersigned by the City Secretary, and registered by the City Treasurer, and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of fifty-nine one-hundredths (.0059) cents on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be levied annually on said property and annually assessed and collected until said bonds and interest are paid; and said tax of fifty-nine one-hundredths (.0059) cents on the one hundred dollars, out of the tax of fifty-two cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding indebtedness of this city by

the council on the 4th day of May, A. D. 1909, (the ordinance making the levy being of record on pages 30 and 31 Volume 2, of the Ordinance Minutes of this Council), is hereby appropriated and set aside to pay the interest and create the sinking fund necessary for the current year, and shall be so assessed and collected and so applied; and said tax or so much thereof, as may be necessary, is hereby levied for each year hereafter, while said bonds, or any number thereof, are outstanding, and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the ten (10) bonds of the City of Beaumont of denomination of one thousand ($1,000.00) dollars each as above described, and that said Mayor be authorized to take and to have charge of the said bonds, pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration, he shall proceed to sell them at not less than their face value at public or private sale and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont, and the payment for same shall be made in the City of Beaumont.

Sec. 10. This ordinance shall take effect and be in full force from and after its passage, lawful publication and approval by the Mayor. Passed on the 20th day of October, A. D. 1909.

CHAPTER VII.

PAVING BONDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an election be held by the qualified property tax paying voters of the City of Beaumont on

the 7th day of May, 1901, at which election there shall be submitted to a vote of the qualified voters who are property tax payers of the City of Beaumont, a proposition for the issuance of bonds of said City in the amount of $40,000.00 for the purpose of extending and permanently improving the paving system of the said city; said bonds to be payable forty (40) years from their date with the right reserved by the city to pay them at any time after twenty (20) years from their date, and shall bear interest at the rate of five (5) per cent per annum, interest payable semi-annually.

Sec. 2. The place for holding said election shall be as follows:

First ward, at City Hall, R. W. Sander, Presiding Officer.

Second ward, at the Auditorium, P. A. Dowlen, Presiding Officer.

Third ward, at the Court House, O'B. Millard, Presiding Officer.

Sec. 3. None but the qualified voters of said city, who are property tax payers of said city, shall be allowed to vote at said election.

Sec. 4. Notice of said election shall be given by the Mayor and the City Secretary, and a copy of this ordinance signed by the Mayor and City Secretary, and posted for at least twenty (20) days as required by law, one copy being posted at each polling place, in the City of Beaumont shall serve as notice of said election, and the manner of holding said election shall be governed by the laws of the State governing general elections.

Sec. 5. That this ordinance shall take effect from and after its passage and approval and all ordinances in conflict herewith are repealed, and said election shall be held under and by virtue of said ordinance and the provisions of the law in such cases made and provided, and shall be held at the time and respective places provided in this ordinance.

The polls shall open at 8 o'clock A. M. and shall close at 6 o'clock P. M.

All voters desiring to support the proposition to issue said bonds shall have written or printed upon their ballots the words "For issuance of Bonds" and those opposed shall have written or printed upon their ballots "Against the issuance of Bonds." Approved this 16th day of April, 1901.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the city for the purpose of extending and permanently improving the paving system of said city, to the amount of forty thousand dollars.

Sec. 2. That the Mayor is hereby instructed to have prepared forty bonds of the denomination of one thousand ($1,000.00) dollars each, payable in current coin or other lawful money of the United States of America, and to be numbered consecutively from one to forty inclusive. Said bonds shall be dated the first day of June, 1901 and shall run forty (40) years from their date.

The right shall be reserved to the city however, to redeem the same at any time after twenty (20) years from their date, and shall bear interest from their date at the rate of five per cent (5) per annum, payable semi-annually, on the first day of December and the first day of June of each year according to the tenor of interest coupons thereto attached. Said bonds shall be signed by the Mayor and attested by the City Secretary and shall bear the impress of the seal of the City of Beaumont. The coupons shall bear the engraved signature of the Mayor and City Secretary, and both coupons and bonds shall be payable at the office of the City Treasurer of the City of Beaumont, Texas, or at the National City Bank of New York, N. Y. at the option of the holder.

Sec. 3. Said bonds when so prepared shall be placed in the hands of the Mayor and Finance Committee of the City Council and said Mayor and Finance Committee, as soon as practicable, shall proceed to sell the same at public or private sale, at not less than face value and accrued interest. The proceeds of the bonds, when they have been sold shall be deposited in the hands of the City Treasurer and shall be used in paying for the extension and permanent improvement of the paving system of the City of Beaumont, and it is hereby made the duty of the Mayor and Finance Committee in the sale of bonds to provide that they shall be delivered to the purchaser in the City of Beaumont, and that payment shall be made for said bonds by the purchaser thereof in said City of Beaumont.

Sec. 4. For the purpose of paying the interest on said bonds and providing a sinking fund to redeem them at maturity, there is hereby set apart and appropriated eleven cents out of fifty cents heretofore levied by the City Council of the City of Beaumont on the 7th day of May, A. D. 1901, as shown and recorded in Minute Book No. 2, of the Minutes of the City Council on page 81 thereof, to pay the interest and sinking fund on the said eleven cents is here now appropriated for the year 1901, and levied on all property in the City of Beaumont liable to taxation, as a special ad valorem tax to pay the interest and sinking fund of this issue of bonds. The said tax or as much thereof as may be necessary is hereby levied for each succeeding year hereafter as the same may be necessary to provide for the interest and sinking fund as aforesaid on the entire amount of said bonds, and if at any time the amount of said assessment is not sufficient to meet the requirements for interest and sinking fund on said bonds, it is hereby promised and agreed that such increase of assessment shall be made for the purpose named.

Sec. 15. That this ordinance shall take effect and be in full force from and after its passage and approval. Approved this 10th day of May, 1901.

Whereas, at an election held for the purpose on the 11th day of November, 1902, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election, sustained the proposition to issue the bonds hereinafter described by a vote of 316 for the issuance of said bonds, a vote of 12 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City Council of the City of Beaumont, Texas, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the City, for the purpose of extending and permanently improving the paving system of the City of Beaumont.

Sec. 2. That the Mayor is hereby instructed to have prepared ninety- five bonds of the denomination of one thousand dollars each, aggregating the sum of ninety-five thousand dollars, payable in current coin or other lawful money of the United States of America, and to be numbered consecutively from one to ninety-five inclusive.

Sec. 3. Said bonds shall be dated the first day of December, 1902, and shall run forty years from their date, but the right shall be preserved to the city to redeem the same at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of four per cent per annum, payable semi-annually on the first day of December and the first day of June of each year, according to the tenor of interest coupons thereto attached; said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them; the coupons shall bear the engraved signature of the Mayor and City Secretary.

Sec. 5. Principal and interest shall be payable on presentation or surrender of bond or proper coupons at the office of the City Treasurer of the City of Beaumont,

Texas, or at the Seaboard National Bank of the City of New York, N. Y. at the option of the holder.

Sec. 6. It is ordained that the Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General, and upon their approval and registration, shall proceed to sell the same at public or private sale at not less than face value, and the proceeds of the bonds when they shall have been sold, shall be deposited in the hands of the City Trasurer and it is hereby made the duty of the Mayor to provide that the said bonds shall be delivered to the purchaser in the City of Beaumont and that payment shall be made for said bonds by the purchaser thereof in said City of Beaumont.

Sec. 7. For the purpose of paying interest on said bonds and creating a sinking fund sufficient to discharge them at maturity a tax of nine and ten one-hundredths (9 10-100) cents on each one hundred dollars valuation of all taxable property in the City of Beaumont, shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and the said tax of nine and ten one-hundredths (9 10-100) cents out of the tax of fifty cents levied to create the interest and sinking fund to pay the outstanding bonded indebtedness by this council on the 6th day of May, 1902, (the ordinance making said levy, being of record on page 150, Book No. 1 of the Minutes of the Ordinances of the City of Beaumont), is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected and so applied, and said tax, or as much thereof as shall be necessary, is hereby levied for each year hereafter, while said bonds are outstanding and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in force from and after its passage and approval. Approved November 18th, 1902.

Whereas, at an election held for the purpose on the 25th day of September, A. D. 1906, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue bonds hereinafter described by a vote of 155 for the issuance of said bonds, to a vote of 8 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of the said city to be called the "City of Beaumont Paving Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in constructing permanent street improvements within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from 1 to 25 inclusive and shall be of the denomination of one thousand ($1,000.00) dollars each, aggregating the sum of twenty-five thousand ($25,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated the first day of December, A. D. 1906, and shall become due and payable forty years from their date but the right is hereby expressly reserved by the City of Beaumont to redeem said bonds, or any number thereof, at any time after twenty (20) years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five (5) per cent per annum, the interest payable semi-annually on the first day of June and the first day of December of each year according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont or at the Park Bank and Trust Company of Beaumont, or at the Hanover National Bank of the City of New York, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer, and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed upon the coupons.

Sec. 8. It is further ordained by the City Council, that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of two (.02) cents on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be annually assessed and collected until said bonds and interest are paid; and said tax of two (.02) cents on the one hnudred dollars out of fifty (50) cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding indebtedness of this city by this council on the 15th day of May, 1906, (the ordinance making said levy being of record on pages 384 and 385, Book No. 1 of the Minutes of this council) is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year, and shall be assessed and collected and so applied, and said tax, or so much thereof as may be necessary, is hereby levied for each year hereafter while said bonds, or any number thereof, are outstanding, and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the twenty- five bonds of the City of Beaumont of the denomination of one thousand ($1,000.00) dollars each, as above described, and that the said Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration he shall proceed to sell the same, at not less than their face value, at public or private sale, and the proceeds of such sale shall be depo sited with the City Treasurer of the City of Beaumont,

and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and payment for same shall also be made in the City of Beaumont. Passed and approved on the 6th day of November, A. D. 1906.

CHAPTER VIII.

SEWERAGE BONDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

1st. That under and by virtue of Article 420, 421, 422, 423, 424 and amendments thereof, of the Revised Statutes of Texas, and Chapter Ninety-one of the laws of the Twenty-second Legislature of Texas, authorizing cities and towns to issue coupon bonds for the purpose of constructing or the purchase of school buildings, water works, sewerage and street improvements and other permanent improvements within the limits of cities and towns, and for the purpose of erecting a public school building for the City of Beaumont, within the limits of said City of Beaumont, there shall be issued and disposed of by the Mayor for not less than par value, a third series of School House Bonds of the City of Beaumont, in the aggregate sum of five thousand dollars, to be ten, and numbered one to ten inclusive, for the sum of five hundred dollars each, with interest thereon at six per cent per annum, from their date, which shall be October 6th, 1891, the principal payable thirty years after their date, with the right reserved to the City of Beaumont to redeem the same after ten years, the interest payable semi-annually from and after their date, as it accrues, on the 6th day of April and October of each year, at the office of the City Treasurer of the City of Beaumont, and each semiannual payment of interest and each of said bonds shall be represented by an interest coupon therefor, attached thereto, and said bonds and coupons shall each be signed by the Mayor and countersigned by the Secretary of said city, and each of said bonds shall

have affixed to it, the impress of the seal of the City of Beaumont.

2nd. And be it further ordained, that for the purpose of extending and enlarging the water works of the City of Beaumont, within its limits, there shall be issued and disposed of by the Mayor, for not less than par value, a second series of water works bonds of the City of Beaumont in the aggregate sum of six thousand dollars, to be twelve bonds, numbered one to twelve inclusive, for the sum of five hundred dollars each, with interest thereon at the rate of six per cent per annum, dated October 6th, 1891, the principal payable thirty years after their date, with the right reserved to the City of Beaumont to redeem the same after ten years, the interest to be payable semi-annually from and after their date, as it accrues, on the 6th day of April and October of each year, at the office of the City Treasurer of the City of Beaumont, and each semiannual payment of interest and each of said bonds shall be represented by an interest coupon therefor attached thereto, and said bonds and coupons shall each be signed by the Mayor and countersigned by the Secretary of said city, and each of said bonds shall have affixed to it the impress of the seal of the City of Beaumont.

3rd. And be it furehr ordained, that for the purpose of constructing sewers for drainage for said city, and within its limits, there shall be issued and disposed of by the Mayor, for not less than par value, sewerage bonds of the City of Beaumont, in the aggregate sum of nine thousand dollars, to be eighteen bonds, numbered from one to eighteen inclusive, for the sum of five hundred dollars each, with interest thereon at the rate of six per cent per annum, dated October the 6th, 1891, the principal payable thirty years after their date, with the right reserved to the City of Beaumont to redeem the same after ten years; the interest to be payable semi-annually from and after their date, as it accrues on the 6th day of April and October of each year, at the office of the City Treasurer of the City of Beaumont, and each semiannual payment of interest on each of said bonds shall

be represented by an interest coupon thereto attached, and said bonds and coupons shall be signed by the Mayor and countersigned by the Secretary of said city, and each of said bonds shall have affixed thereto the impress of the seal of the City of Beaumont.

4th. And be it further ordained, that the second section of an ordinance approved February 1st, 1888, providing for the issuance of ten thousand dollars of water works bonds and an ordinance approved July 3rd, 1888, which second section for the levying of tax of twenty five cents on the one hundred dollars' worth of taxable property within the limits of the said city, and the col lection and appliance of the whole fund derived therefrom to the payment exclusively of said three sets of bonds, in excess of which is required therefor, for thirty years, from the 1st day of January, 1888, and an ordinance approved January 3rd, 1889, amending the above recited ordinances, and providing for the issuance of a second series of school house bonds, in the aggregate of five thousand dollars, payable in thirty years, and redeemable within ten years, at the city's election, repealing the said former ordinance and the revenue derived from the levy of said tax, aggregating, for the payment of said water works bonds, first and second series of school house bonds the sum of twenty-five cents for every one hundred dollars' worth of property owned and held in the city, taxable by law, being largely in excess of what is required to redeem said bonds, said tax of twenty-five cents having been by said ordinance approved January 3rd, 1889, apportioned as follows: Thirteen and eight-ninths cents on the one hundred dollars' worth of property, to be assessed and collected from the first day of January, 1889, for twenty-nine years, and five and five-ninths cents tax on the one hundred dollars valuation of the property for the same period to pay the principal and interest of the first series of school house bonds, and the further tax of five and five-ninths cents on the one hundred dollars' worth of property was levied for each and every year from the 1st of January, 1889, for thirty years until said

second series of school house bonds should be redeemed.

5th. And be it further ordained, that for the purpose of paying off the principal and interest of said first series of water works bonds, mentioned and described herein, a special tax of two and one-half cents on every one hundred dollars' worth of taxable property within the corporate limits of the City of Beaumont is hereby levied, and shall be collected according to the law each year for twenty-seven years.

7th. And be it further ordained, that for the purpose of paying off the principal and interest of said second series of school house bonds, mentioned and described herein, a special tax of two and one-half cents on every one hundred dollars' worth of taxable property within the corporate limits of the City of Beaumont is hereby levied, and shall be collected according to law for twenty-seven years.

8th. And be it further ordained, that for the purpose of paying off the interest and principal of said third series of school house bonds, provided for herein, there is hereby levied, and shall be collected according to law for each and every year for thirty years a special tax of three and one-half cents on every one hundred dollars' worth of taxable property within the corporate limits of the City of Beaumont.

9th. And be it further ordained, that for the purpose of paying off the principal and interest of said second series of water works bonds, provided for herein, there is hereby levied, and shall be collected according to law on every one hundred dollars' worth of taxable property within the corporate limits of the City of Beaumont for each and every year for thirty years, a tax of four cents.

10th. And be it further ordained, that for the purpose of paying off the principal and interest of the bonds provided for herein for sewerage purposes, there is hereby levied, and shall be collected according to law, on every one hundred dollars' worth of taxable property within the corporate limits of the City of Beaumont a special tax of six cents for thirty years.

11th. And be it further ordained, that the above named amount of taxes, aggregating twenty-five cents on every one hundred dollars' worth of taxable property, and as proportioned herein, shall be collected for the years named, unless said bonds are sooner paid, and the amount of revenue derived from each tax applied to the payment of the particular bond for which same is levied and collected; and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Adopted and approved October 6th, 1891.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an election be held by the qualified property tax paying voters of the City of Beaumont on the 7th day of May, 1901, at which election there shall be submitted to a vote of the qualified voters who are property tax payers of the City of Beaumont, a proposition for the issuance of bonds of said city in the amount of $75,000.00 for the purposes of extending and permanently improving the sewerage system of said city. Said bonds to be payable forty (40) years from their date with the right reserved by the city to pay them at any time after twenty (20) years from their date, and shall bear interest at the rate of five (5) per cent per annum, interest payable semi-annually.

Sec. 2. The places for holding said election shall be as follows:

First ward, at the City Hall, E. W. Sanders, Presiding Officer.

Second ward, at the Auditorium, P. A. Dowlen, Presiding Officer.

Third ward, at the Court House, G. O'B. Millard, Presiding Officer.

Sec. 3. None but qualified voters of said city who are property tax payers of said city, shall be allowed to vote at said election.

Sec. 4. Notice of said election shall be given by the Mayor and City Secretary, and a copy of this ordinance signed by the Mayor and City Secretary, and posted for at least twenty (20) days as required by law, one copy being posted at each polling place, in the City of Beaumont, shall serve as notice of said election and the manner of holding said election shall be governed by the laws of the State, governing general elections.

Sec. 5. This ordinance shall take effect from and after its passage and approval, and all ordinances in conflict herewith are hereby repealed, and said election shall be held under and by virtue of said ordinance and the provisions of the law in such cases made and provided, and shall be held at the time and respective places provided for in said ordinance. The polls shall open at 8 o'clock A. M. and shall close at 6 o'clock P. M. All voters desiring to support the proposition to issue said bonds shall have written or printed on their ballots the words "For the issuance of Bonds" and those opposed shall have written or printed upon their ballots the words "Against the issuance of Bonds."

Approved this 16th day of April, 1901.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the city for the purpose of extending and permanently improving the sewerage system for said city to amount of seventy-five thousand dollars.

Sec. 2. That the Mayor is hereby instructed to have prepared seventy-five bonds of the denomination of one thousand dollars each, payable in current coin or other lawful money of the United States of America, and to be

numbered consecutively from one to seventy-five inclusive. Said bonds shall be dated the first day of June, 1901, and shall run for forty (40) years from their date. The right shall be reserved to the city, however, to redeem the same at any time after twnty (20) years from their date, and shall bear interest from their date at the rate of five (5) per cent per annum, payable semi-annually on the first day of December and the first day of June of each year according to the tenor of interest coupons thereto attached. Said bonds shall be signed by the Mayor and attested by the City Secretary, and shall bear the impress of the seal of the City of Beaumont. The coupons shall bear the engraved signature of the Mayor and City Secretary and both coupons and bonds shall be payable at the ofice of the City Treasurer of the City of Beaumont, Texas, or at the National City Bank of the City of New York, N. Y. at the option of the holder.

Sec. 3. Said bonds when so prepared shall be placed in the hands of the Mayor and Finance Committee of the City Council, and said Mayor and Finance Committee, as soon as practicable, shall proceed to sell the same at public or private sale, at not less than face value and accrued interest. The proceeds of the bonds when they have been sold, shall be deposited in the hands of the City Treasurer, and shall be used in paying for the extension and permanent improvement of the sewerage system of the City of Beaumont, and it is hereby made the duty of the Mayor and Finance Committee in the sale of said bonds to provide that they shall be delivered to the purchaser in the City of Beaumont, Texas, and that payment be made for said bonds by the purchaser thereof in the City of Beaumont, Texas.

Sec. 4. For the purpose of paying the interest on said bonds and providing a sinking fund to redeem them at maturity, there is hereby set apart and appropriated 20 1-4 cents out of fifty cents heretofore levied by the City Council of the City of Beaumont, on the 7th day of May, A. D. 1901, as shown and recorded in Minute Book No. 2 of the Minutes of the City Council on page 81 there-

of, to pay the interest and sinking fund on the outstanding bonded indebtedness of the City of Beaumont, and 20 1-4 cents is hereby now appropriated for the year 1901, and levied on all property in the City of Beaumont, liable to taxation, as a special ad valorem tax to pay the interest and sinking fund on this issue of bonds. The said tax or as much thereof as may be necessary is hereby levied for each succeeding year hereafter as the same may be necessary to provide for the interest and sinking fund as aforesaid on the entire amount of said bonds and if at any time the amount of said assessment is not sufficient to meet the requirements for interest and sinking fund on said bonds, it is hereby promised and agreed that such increase of assessment shall be made for the purpose named.

Sec. 5. That this ordinance shall take effect and be in full force from and after its passage and approval. Approved the 10th day of May, 1901.

Whereas, at an election held for the purpose on the 11th day of November, 1902, a majority of the qualified voters who are property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue the bonds hereinafter described by a vote of 316 for the issuance of said bonds and a vote of 11 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City Council of the City of Beaumont, Texas, bonds for and in behalf of the City of Beaumont, to borrow money upon the credit of the city, for the purpose of extending and permanently improving the sewerage system of the City of Beaumont.

Sec. 2. That the Mayor is hereby instructed to have prepared seventy-five bonds of the denomination of one thousand dollars each, aggregating the sum of seventy-five thousand dollars, payable in current coin or other

lawful money of the United States of America and to be numbered consecutively from one to seventy-five inclusive.

Sec. 3. Said bonds shall be dated the first day of December, 1902, and shall run for forty years from their date, but the right shall be reserved by the city to redeem the same at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of four per cent per annum, payable semi-annually on the first day of December and the first day of June of each year, according to the tenor of the interest coupons thereto attached, and the bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer, and the seal of the city shall be impressed upon each of them. The coupons shall bear the engraved signature of the Mayor and City Secretary.

Sec. 5. Principal and interest shall be payable on presentation or surrender of bond or proper coupons, at the office of the City Treasurer of the City of Beauomnt, Texas, or at the Seaboard National Bank in the City of New York, N. Y. at the option of the holder.

Sec. 6. It is also ordained that the Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General, and upon their approval and registration shall proceed to sell the same at public or private sale at not less than their face value and the proceeds of the bonds when they shall have been sold, shall be deposited in the hands of the City Treasurer and it is hereby made the duty of the Mayor to provide that the said bonds shall be delivered to the purchaser in the City of Beaumont and that payment shall be made for the said bonds by the purchaser thereof in the said City of Beaumont.

Sec. 7. For the purpose of paying interest on said bonds and creating a sinking fund, sufficient to discharge them at maturity, a tax of seven and twenty one-hundredths (7 20-100) cents on each one hundred dollars

valuation of all taxable property in the City of Beaumont, shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and the said tax of seven and twenty one-hundredths (7 20-100) cents out of a tax of fifty cents levied to create the interest and sinking fund to pay the outstanding bonded indebtedness, by this council on the 6th day of May, 1902, (the ordinance making said levy, being of record on page 150, Book No. 1 of the Minutes of the Ordinances of the City of Beaumont), is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year, and shall be assessed and collected and so applied, and said tax, or as much thereof as shall be necessary, is hereby levied for each year hereafter while said bonds are outstanding, and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in full force from and after its passage and approval. Approved this 18th day of November, A. D. 1902.

Whereas, at an election held for the purpose on the 22nd day of November, 1904, a majority of the qualified voters, who were property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue sewerage bonds by a vote of 124 for the issuance of such bonds and a vote of 47 against the issuance of such, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That there shall be issued by the City of Beaumont, sewerage bonds of the City of Beaumont, Texas, for the purpose of borrowing money upon the credit of this city such money to be used in extending and permanently improving the sewerage system of the said City of Beaumont.

Sec. 2. That the Mayor of the City of Beaumont is hereby instructed and authorized to have prepared (30) thirty

bonds of the City of Beaumont of the denomination of $1000.00, one thousand dollars, each, aggregating the sum of thirty thousand dollars, payable in current coin or other lawful money of the United States of America and to be numbered consecutively from one to thirty inclusive.

Sec. 3. Said bonds shall be dated on the first day of January, 1905, and shall run forty years from their date, but the right is hereby expressly reserved by the City of Beaumont to redeem said bonds or any number thereof at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five per cent (5) per annum, and interest payable semi-annually on the first day of January and the first day of July of each year, according to the tenor of the interest coupons thereto attached; said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them. The coupons attached to such bonds shall bear the engraved signature of the Mayor and City Secretary.

Sec. 5. The principal and interest of said bonds shall be paid, on surrender of the bond or proper coupons, at the office of the City Treasurer of the City of Beaumont, Texas.

Sec. 6. The Mayor is hereby authorized to take charge of said bonds pending their approval by the Attorney General of Texas, and upon their approval and registration he shall proceed to sell the same at public or private sale at not less than their face value and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and that payment for the same shall also be made in the City of Beaumont.

Sec. 7. For the purpose of paying the interest on

said bonds and creating a sinking fund to pay off and discharge the same at maturity, a tax of three cents on each one hundred dollars valuation for all taxable property in the City of Beaumont, shall be annually levied, assessed and collected on such property in the City of Beaumont until said bonds and interest are paid, and the said tax of three cents out of a tax of fifty cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this city, levied by the City Council of the City of Beaumont on the 4th day of May, 1904, (the ordinance making said levy, being of record on page 295 and 296, Book 1, of the Minutes of Ordinances of the City of Beaumont), is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year, and shall be assessed, collected and so applied, and said tax or so much thereof as may be necessary is hereby levied and shall hereafter be levied for each year while said bonds or any number thereof, are outstanding and the same shall be annually assessed and collected and be applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in force from and after its final passage and approval. Approved this 28th day of November, 1904.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

(1) That an election be held in the City of Beaumont, Texas, on the 25th day of December, A. D. 1906, at which election the following proposition shall be submitted:

(2) First. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city, hereinafter designated as sewerage bonds, in the sum of seventy-five thousand ($75,000.00) dollars payable in forty (40) years after date, with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually, and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund

sufficient to redeem same at maturity, for the purpose of constructing public sewers and necessary laterals to be constructed as follows: The Broadway sewer to be extended westward across and beyond the right of way of the Sabine and East Texas Ry. Co. four blocks; Crockett Street sewer to be extended westward three blocks; Emmett Street Sewer to be improved and extended westward and beyond the right of way of the Texarkana and Ft. Smith Ry. Co., three blocks; Magnolia Avenue sewer to be extended northward three blocks; and a public sewer to be constructed on Sabine Pass Avenue from the Neches River southward to the right of way of the Texarkana and Ft. Smith Ry. Company and such laterals to be constructed as may hereafter be determined to serve the best interests of the city.

Second. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city hereinafter designated as School House Building Bonds, in the sum of twenty-five thousand (25,000.00) dollars,payable in forty years after date with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bond and create a sinking fund sufficient to redeem same at maturity for the purpose of constructing three public school buildings in the City of Beaumont.

Third. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city hereinafter designated as School House Repair Bonds, in the sum of five thousand ($5000.00) dollars, payable in forty years after date with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five per cent (5) per annum, payable semi-annually, and to levy a sufficient tax to pay the interest on said bonds and create a sinking fund sufficient to redeem same at maturity for the purpose of making improvements on and repairing the present public school buildings of the city.

Fourth. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city, hereinafter designated as paving bonds, in the sum of twenty-five thousand ($25,000.00) dollars, payable in forty years after date, with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi annually, and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity, for the purpose of constructing permanent street improvements.

Sec. 3. That said election shall be held at the following places, to-wit:

In the first ward, at the Beaumont City Hall; in the second ward, at the Salvation Army Barracks on Wall Street; in the third ward, at the Jefferson County Court House.

Sec. 4. The following named persons are appointed officers of said elections:

In the first ward, Geo. D. Anderson, Presiding Judge, W. E. Rogers, Assistant Judge; B. R. Norvell and Will Keith, Clerks.

In the second ward, Mally Eastham, Presiding Judge, Will P. Oldham, Assistant Judge, H. W. Gilbert and S. H. Van Wormer, Clerks.

In the third ward, Geo. O'B. Millard, Presiding Judge, Guy W. Junker, Assistant Judge, Ed. Carroll and L. B. Pipkin, Clerks.

Sec. 5. That said election shall be held under the provisions of Chapter 149, Acts of the 26th Legislature, Laws 1899, and only qualified voters who are property tax payers of said City of Beaumont shall be allowed to vote, and all voters desiring to support the proposition to issue sewerage bonds shall have printed on their ballots the words "For the issuance of Sewerage Bonds" and those opposed to the issuance of Sewerage Bonds

shall have printed on their ballots the words "Against the issuance of ewerage Bonds" and all voters desiring to support the proposition to issue School House Building bonds shall have printed on their ballots the words "For the issuance of School House Building Bonds" and those opposed to the issuance of School House Building Bonds shall have printed on their ballots the words "Against the issuance of School House Building Bonds" and those desiring to support the proposition to issue School House Repair Bonds shall have printed on their ballots the words "For the issuance of School House Repair Bonds," and those opposed to the issuance of School House Repair Bonds shall have printed on their ballots the words "Against the issuance of School House Repair Bonds" and those desiring to support the proposition to issue Paving Bonds shall have printed on their ballots the words "For the issuance of Paving Bonds" and those opposed to the issuance of Paving Bonds shall have printed on their ballots the words "Against the issuance of Paving Bonds."

The manner of holding said election shall be governed by the laws of the State of Texas regulating general elections.

Sec. 6. That a copy of this ordinance signed by the Mayor of the City of Beaumont and attested by the City Secretary shall serve as a proper notice of said election and the Mayor is directed to cause said notice to be posted up at each of the places designated for holding said election at least thirty (30) days prior to the date of said election. Approved this 21st day of Ausust. 1906.

STATE OF TEXAS,
County of Jefferson.

Before me, the undersigned authority, on this day personally appeared J. H. Stewart, City Marshal of the City of Beaumont, Texas, who, being by me duly sworn, says on oath that he posted a true copy of the notice of election hereto attached at each of the places designated for holding said election, to-wit: The City Hall in the First Ward; the Salvation Army Barracks on Wall Street

in the Second Ward, and the Jefferson County Court House in the Third Ward, each of which places are public in the precincts in which they are located: and that said notices of election were posted at each of said places on the 22nd day of August, A. D. 1906, which was more than thirty days prior to the date named for holding said election.

J. H. STEWART,
City Marshal, City of Beaumont.

AN ORDINANCE.

Authorizing the issuance of bonds for the purpose of constructing public sewers and necessary laterals within the City of Beaumont and providing for the levy and collection of a tax to pay the interest and create a sinking fund for the redemption of such bonds.

Whereas, at an election held for the purpose on the 26th day of September, A. D. 1906, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election, sustained the proposition to issue bonds hereinafter described by a vote of 158 for the issuance of said bonds, to a vote of 9 against the issuance of said bonds, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

(SEAL). GEO W. NEWMAN,
Sworn and subscribed before me this the 24th day of August, A. D. 1906.

Notary Public, Jefferson County, Texas.

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of said city, to be called "City of Beaumont Sewerage Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in constructing public sewers and necessary laterals within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively

from one (1) to 75 inclusive, and shall be of the denomination of one thousand ($1000.00) dollars, each, aggregating the sum of seventy-five thousand ($75,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated first day of December, A. D. 1906, and shall become due and payable forty years from their date, but the right is hereby expressly reserved by the City of Beaumont to redeem said bonds, or any number thereof, at any time after twenty (20) years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five per cent (5) per annum, the interest payable semi-annually, on the first day of June and the first day of December, of each year according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont or at the Park Bank and Trust Company of Beaumont, or at the Hanover National Bank of New York City at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer, and the seal of the city shall be impressed upon each one of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of six and three-tenths (.063) cents on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid; and said tax of six and three-tenths (.063) cents on the hundred dollars, out of a tax of fifty (50) cents on each one hundred dollars property valu-

ation levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this city by this council on the 15th day of May, 1906, (The ordinance making said levy being of record on page 384-5 Book 1 of the Minutes of this council) is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected and so applied; and said tax or so much thereof as may be necessary is hereby levied for each year hereafter while said bonds, or any number thereof, are outstanding and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the seventy-five bonds of the City of Beaumont of the denomination of one thousand ($1000.00) dollars each as above described; and that the said Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration he shall proceed to sell the same at not less than their face value, at public or private sale and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and payment for same shall also be made in the City of Beaumont.

Passed on the 6th day of November, A. D. 1906, approved by the Mayor on the 6th day of November, A. D. 1906.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an election be held in the City of Beaumont, Texas, on the 28th day of September, A. D. 1909, at which election the following proposition shall be submitted:

Sec. 2. First. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said ci-

ty, hereinafter designated as school house building and repairbonds in the sum of one hundred thousand ($100,000.-00) dollars payable in forty years after date with the option of redeeming same at any time after twenty years from date, bearing interest at the rate of five per cent (5) per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and create a sinking fund sufficient to redeem same at maturity for the purpose of constructing certain public school buildings, and making certain repairs on school buildings in the City of Beaumont.

Sec. 3. Second. Shall the City Council of the City of Beaumont be authorized to issue bonds of the said city, hereinafter designated as sewer bonds in the sum of fifty thousand ($50,000.00) dollars, payable forty years from date with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five per cent (5) per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and create a sinking fund to redeem same at maturity for the purpose of constructing public sewers and necessary laterals within the City of Beaumont, the sewers and laterals to be constructed as follows:

Sabine Pass Avenue sewer to be extended to Cartwright Avenue.

Royal Street sewer to be extended to Avenue E.

Broadway Street sewer to be extended within three hundred (300) feet of city limits.

Third Street sewer to be extended from Broadway Street to Pecos.

Wall Street sewer to be extended from Holmes Avenue to Railroad.

Shamrock Street sewer to be extended from Sabine Pass Avenue to Irving Avenue.

Mary Street sewer from Sabine Pass Avenue to Irving Avenue.

College Street from Avenue D. to Avenue F.

Avenue A sewer to Cedar Street to McFaddin, Wiess,

Kyle Rice Milling Company.

Magazine Street sewer from Brake's Bayou to Magnolia Avenue.

Long Avenue from Brake's Bayou west to Center Street.

And said laterals to be constructed as may hereafter be determined to serve the best interests of the city.

Sec. 4. Third. Shall the City Council of the City of Beaumont be authorized to issue the bonds of the said city, hereinafter designated as Street Improvement and Repair bonds in the sum of ten thousand ($10,000.00) dollars, payable in forty (40) years after date with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five per dent (5) per annum payable semi-annually and to create a sinking fund sufficient to redeem same at maturity, for the purpose of Street Improvement and Repairs.

Sec. 5. That said election shall be held at the following places, to-wit;

In the first ward at the Beaumont City Hall.

In the second ward at the Salvation Army Barracks on Wall Street.

In the third ward at the Jefferson County Court House.

Sec. 6. That the following named persons are appointed officers of said election:

In the first ward—H. D. Fletcher, Presiding Judge, Jno. L. Keith, Assistant Judge.

In the second ward—H. C. Schwaner, Presiding Judge, Ras Landry, Assistant Judge.

In the third ward—A. B. Pipkin, Presiding Judge, Kyle Ward, Assistant Judge.

Sec. 7. The said election shall be held under the provisions of Chapter 149, Acts of the 26th Legislature, Laws 1899, and only qualified voters who are property tax payers of said City of Beaumont shall be allowed to vote, and all voters desiring to support the proposition to issue School House Building Repair bonds, shall have

printed on their ballots the words "For the issuance of School House Building and Repair bonds" and those opposed to the issuance of School House Building and Repair Bonds shall have printed on their ballots the words "Against the issuance of School House Building and Repair bonds" and those desiring to support the proposition to issue Sewerage Bonds shall have printed on their ballots the words "For the issuance of Sewerage Bonds" and those opposed to the issuance of Sewerage Bonds shall have printed on their ballots the words "Against the issuance of Sewerage Bonds" and all voters desiring to support the proposition to issue Street Improvement and Repair Bonds, shall have printed on their ballots "For the Issuance of Street Improvement and Repair Bonds" and those opposed to the issuance of Street Improvement and Repair Bonds shall have printed on their ballots the words "Against the issuance of Street Improvement and Repair Bonds." The manner of holding said election shall be governed by the Laws of the State of Texas, regulating general elections.

Sec. 8. That a copy of this ordinance signed by the Mayor of the City of Beaumont and attested by the City Secretary shall serve as proper notice of said election and the Mayor is directed to cause said notices to be posted up at each of the places designated for holding said election, at least thirty (30) days prior to the date of said election. Approved this the 17th day of August, 1909.

Whereas, at an election held for the purpose on the 28th day of September, A. D. 1909, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Jefferson County, Texas, voting at said election, sustained the proposition to issue the bonds hereinafter described, by a vote of one hundred and sixty-seven for the issuance of said bonds, to a vote of nine against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of

Beaumont, Texas, the bonds of said city to be called "City of Beaumont Sewerage Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in the construction of public sewers and necessary laterals within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from one (1) to fifty (50) inclusive, and shall be of the denomination of one thousand ($1000.00) dollars each, aggregating the sum of fifty thousand ($50,000.00) dollars, and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated December 1st, A. D. 1909, and shall become due and payable forty years from date, but the right is hereby expressly reserved by the City of Beaumont to redeem said bonds or any number thereof, at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date, at the rate of five per cent per annum, the interest payable semi-annually, on the first day of June and the first day of December of each year according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bonds or proper coupons at the office of the City Treasurer of the City of Beaumont, or at the Hanover National Bank of New York, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary, and registered by the City Treasurer, and the seal of the city shall be impressed upon each one of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of three and one-tenth cents (.031) on each one hundred dollars valuation of all taxable property in the said City of

Beaumont shall be levied annually on said property and annually assessed and collected until said bonds and interest are paid; and said tax of three and one-tenths cents (.031) on the one hundred dollars, out of a tax of fifty-two cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding indebtedness of this city by the council on the 4th day of May, A. D. 1909 (the ordinance making the levy being of record on pages 30 and 31, Volume 2 of the Ordinance Minutes of this Council) is hereby appropriated and set aside to pay the interest and create a sinking fund necessary for the current year, and shall be so assessed and collected and so applied, and said tax or so much thereof as may be necessary is hereby levied for each year hereafter, while said bonds or any number thereof, are outstanding and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the fifty (50) bonds of the City of Beaumont, of denomination of one thousand ($1000.00) dollars each, as above described, and that said Mayor be authorized to take and have charge of said bonds, pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration, he shall proceed to sell them at not less than their face value at public or private sale, and the proceeds of such sale shall be deposited with the City Treasurer, of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont, and the payment of same shall be made in the City of Beaumont

Sec. 10. This ordinance shall take effect and be in full force from and after its passage, lawful publication, and approval by the Mayor.

Approved and passed on the 20th day of October, A. D. 1909.

CHAPTER IX.

SCHOOL BUILDING AND REPAIR BONDS.

Now came on to be considered the matter of calling in and cancelling and paying off all outstanding bonds of the City of Beaumont, issued during the pear 1888 and 1889. Whereupon on motion, the City Secretary was instructed to place a notice in some daily paper published in the City of Beaumont, notifying the owners and holders of all bonds issued during the years 1888 and 1889 to present the same for payment to the Mayor of the City of Beaumont at the First National Bank of Beaumont, Texas, or the Treasurer of the City of Beaumont, at his office in said city, on or before the first day of April, A. D. 1889, for payment, and the City Treasurer is hereby instructed not to pay any interest on any of said bonds issued during the years 1888 and 1889 after the first of April, 1899.

Now came to be considered the following ordinance, on motion same was adopted, as follows, to-wit:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued in the City of Beaumont, bonds to the extent of thirteen thousand five hundred dollars, to be called City of Beaumont Refunding Bonds, for and in behalf of the City of Beaumont to borrow money upon the credit of the city, to be used in taking up and retiring three separate outstanding issues of bonds made by the City of Beaumont under and by authority of three separate ordinances, passed by the City Council of the City of Beaumont, the first passed and approved February 1st, 1888, and bearing date of February 1st, 1888, for the sum of ten thousand dollars, for the purpose of constructing a system of water works for said city, the same bearing six per cent per annum, interest and principal payable at the office of the City Treasurer of the City of Beaumont. The second ordinance passed and approved July 3, 1888 and bearing date of July 3rd, 1888, for the sum of four thousand dollars for the

purpose of erecting a public school building for white children in the City of Beaumont, the same bearing six per cent interest per annum, interest and principal payable at the office of the City Treasurer of the City of Beaumont; and the third issue passed and approved January 3rd, 1889, and bearing date of January 3rd, 1889, for the sum of four thousand dollars for the purpose of constructing a public school building in the City of Beaumont, the same bearing six per cent interest per annum, interest and principal payable at the office of the City Treasurer of the City of Beaumont; all the above bonds running thirty years from their dates respectively, the right remaining in the City of Beaumont to pay same at any time after ten years from the date of their issue, of which said three issues, aggregating eighteen thousand dollars, the sum of four thousand and five hundred has heretofore been called in and paid.

Sec. 2. That the Mayor of the City of Beaumont is hereby instructed to prepare thirteen thousand five hundred dollars bonds, in denomination of five hundred dollars each, payable in current coin or other lawful money of the United States of America, and shall be numbered from one to twenty-seven, inclusive; said bonds to be dated April 1st, 1889, and shall become due and payable thirty years after date, but shall be redeemable at the option of the City of Beaumont at any time after twenty years from the date of the same, and shall bear interest at the rate of five per cent per annum, interest to be payable semi-annually, on the first day of July, 1889, and the first day of January, and on the first day of July of each year thereafter up to and including the first day of April, 1929, as per interest coupons attached to said bonds. The bonds herein provided for shall be signed by the Mayor and attested by the City Secretary, and shall bear the seal of the City of Beaumont; the coupons shall bear the engraved signature of the Mayor and the City Secretary, and both principal and interest of said bonds shall be payable at the National City Nank of the City of New York, N. Y.

Sec. 3. Said bonds shall be placed in the hands of the Mayor of the City of Beaumont, and said Mayor shall, as soon as practicable, proceed to sell the same at private or public sale, and at not less than par value and accrued interest. The proceeds of said bonds, when so sold, shall be used by the Mayor for the purpose of taking up and retiring the aforesaid eighteen thousand dollars of bonds, less the four thousand five hundred dollars, which has heretofore been paid according to the ordinances passed by the City Council of the City of Beaumont, dated and approved February 1st, 1888, and July 1st, 1888 and January 3rd, 1889, respectively, giving the city the option of redemption of said bonds after the lapse of ten years from the date thereof.

Sec. 4. For the purpose of paying interest on said bonds as provided for by this ordinance, and providing a sinking fund sufficient to redeem them at maturity, there is hereby levied for the year 1899, on each one hundred dollars of property in the City of Beaumont liable to taxation, a special ad valorem tax of six and four-tenths (6 4-10) cents, and said tax, or so much thereof as may be necessary is also levied for each succeeding year so long as may be necessary to provide for the interest and sinking fund aforesaid on the entire amount of said bonds; and if at any time the amount of said assessment shall not be sufficient to provide for the interest and sinking fund aforesaid, then it shall be the duty of the City Council of the City of Beaumont to increase such assessment so that a sufficient amount shall be realized therefrom to meet the requirements for interest and sinking fund on said bonds; and it is hereby promised and agreed that such increase of assessment shall be made if required for the purpose named. That to meet the sinking fund and interest to become due on the issue of bonds during the year 1899, there is hereby appropriated out of the tax heretofore levied to meet the interest and

sinking fund on the outstanding bonded indebtedness, a sufficient amount to meet the same.

Sec. 5. This ordinance shall take effect and be in force from and after its passage.

Approved this 7th day of February, 1899.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the bonds of the said city to be called "City of Beaumont School House Repair Bonds" to be issued under and by virtue of Article 486, Revised Statutes of Texas, 1895, and also Sec. 4 of Chapter CLXVIX of the Acts of the Legislature of Texas, 1899, and the Charter of the City of Beaumont, Texas, for the purpose of repairing the White Public School House located in the first ward of the City of Beaumont and known as the North End White Public Free School.

Sec. 2. Said bonds shall be numbered consecutively from one to three inclusive, shall be of the denomination of six hundred (600) dollars each and aggregate the sum of eighteen hundred (1800) dollars.

Sec. 3. They shall be dated on the 1st day of October, 1901, and shall become due and payable forty years from their date, but may be redeemed at the pleasure of the city at any time after twenty years from their date.

Sec. 4. They shall bear interest at the rate of five per cent per annum, payable semi-annually on the first day of October and the first day of April.

Sec. 5. Principal and interest shall be payable on the presentation and surrender of bonds or proper coupons at the office of the City Treasurer of the City of Beaumont, Texas.

Sec. 6. Said bonds shall be signed by the Mayor and countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary may be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of one half per cent on each one hundred dollars valuation of all taxable property of said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and said tax of one half cent on the one hundred dollars out of a tax of fifty cents levied for the payment of the interest and sinking fund on the outstanding bonded indebtedness of the City of Beaumont by the City Council on the 7th day of May, 1901, (the ordinance making the levy being of record on page 81 Book No. 2 of the Minutes of Ordinances of this council) is hereby appropriated to pay the interest and create a necessary sinking fund for the current year, and shall be assessed and collected and so applied, and said tax is hereby levied for each year hereafter while said bonds are outstanding, and the same shall be annually assessed and collected and applied for purpose named.

Sec. 9. It is also ordained that the Mayor and Finance Committee of the City Council be authorized to take and have charge of said bonds pending their investigation by the Attorney General, and upon their approval and registration shall have the authority to negotiate their sale and receive for the city the proceeds therefor.

Approved October 20th, 1901.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the bonds of said city to be called "City of Beaumont School House Repair Bonds" to be issued under and by virtue of Article 486, Revised Statutes of Texas, 1895 and also Section 4, of Chapter CLXIX of the Acts of the Legislature of Texas, 1899, and the Charter of the City of Beaumont, Texas, for the purposes of re-

pairing the White Public School House located in the first ward of the City of Beaumont and known as the North End White Public School House.

Sec. 2. Said bonds shall be numbered consecutively from one to three inclusive, shall be of the denomination of six hundred dollars ($600.00) each and aggregating eighteen hundred ($1800.00) dollars.

Sec. 3. They shall be dated the first day of November, 1901, and shall become due and payable forty years from their date, but may be redeemed at the pleasure of the city at any time after twenty years from their date.

Sec. 4. They shall bear interest at the rate of five per cent per annum payable semi-annually on the first day of November and the first day of May of each year.

Sec. 5. Principal and interest shall be payable on the presentation and surrender of bonds or proper coupons at the office of the City Treasurer of the City of Beaumont, Texas.

Sec. 6. Said bonds shall be signed by the Mayor and countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary may be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of one half cents on each one hundred dollars valuation of all taxable property of said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and said tax of one-half cent on the one hundred dollars out of a tax of fifty cents levied for the payment of the interest and sinking fund on the outstanding bonded indebtedness of the City of Beaumont by the City Council on the 7th day of May, 1901 (this ordinance making the levy, being of record on page 81 of Book 2 of the Minute Book of Ordinances of this council) is hereby appropriated to pay the interest and create the necessary sinking

fund for the current year and shall be assessed and collected and so applied, and said tax is hereby levied for each year hereafter while said bonds are outstanding and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is also ordained that the Mayor and Finance Committee of the City Council be authorized to take and have charge of said bonds pending their investigation by the Attorney Genarel and upon their approval and registration shall have authority to negotiate their sale and receive for the city the proceeds thereof.

Approved November 6th, 1901.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the bonds of said city to be called "City of Beaumont School House Repair Bonds" to be issued under and by virtue of Article 486, Revised Statutes of Texas, 1895, and also Section 4 of Chapter CLXIX of the Acts of the Legislature of Texas of 1899 and the Charter of the City of Beaumont, Texas, for the purpose of repairing the White Public School House located in the third ward of the City of Beaumont and known as the South End White Public School House.

Sec. 2. Said bonds shall be numbered consecutively from one to three (3) inclusive; shall be of the denomination of six hundred ($600) dollars each and aggregating eighteen hundred ($1800.00) dollars.

Sec. 3. They shall bear interest at the rate of five (5) per cent per annum, payable semi-annually on the 1st day of December and the 1st day of June of each year.

Sec. 5. Principal and interest shall be payable on the presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont, Texas.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary, and registered by

the City Treasurer and the seal of the city shall be impressed upon each of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary may be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of one-half cent on each one hundred dollars valuation of all taxable property of said City of Beaumont, shall be annually levied on said property, and annually assessed and collected until said bonds and interest are paid, and said tax of one-half cent on the one hundred dollars out of a tax of fifty cents levied for the payment of the interest and sinking fund on the outstanding bonded indebtedness of the City of Beaumont by this City Council on the 7th day of May, 1901, (the ordinance making the levy being of record on page 81, Book 2 of the Minutes of Ordinances of this city council) is hereby appropriated to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected and so applied and a tax is hereby levied for each year hereafter while said bonds are outstanding and the same shall be annually assessed and collected and applied to the purpose named.

Sec. 9. It is also ordained that the Mayor and Finance Committee of the City Council be authorized to take charge of said bonds pending their investigation by the Attorney General, and upon their approval and registration shall have the authority to negotiate their sale and receive for the city the proceeds thereof.

Passed on the 3rd day of December, 1901. Approved on the 4th day of December, 1901.

Whereas, at an election held for the purpose on the 11th day of November, 1902, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue the bonds hereinafter described by a vote of 313 for the issuance of said bonds and a vote of 14 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City Council of the City of Beaumont, Texas, bonds for and in behalf of the City of Beaumont to borrow money upon the credit of the City, for the purpose of erecting School Buildings in the City of Beaumont.

Sec. 2. That the Mayor is hereby instructed to have prepared seventy-five bonds of the denomination of one thousand dollars each, aggregating the sum of seventy-five thousand dollars, payable in current coin or other lawful money of the United States of America, and to be numbered consecutively from one to seventy-five inclusive.

Sec. 3. Said bonds shall be dated on the first day of December, 1902, and shall run forty years from their date, but the right shall be reserved to the city to redeem the same at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of four per cent per annum, payable semi-annually on the first day of December and the first day of June of each year, according to the tenor of interest coupons thereto attached; said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer and the seal of the city shall be impressed upon each of them; the coupons shall bear the engraved signature of the Mayor and the City Secretary.

Sec. 5. Principal and interest shall be payable on presentation or surrender of bonds or proper coupons at the office of the City Treasurer of the City of Beaumont, Texas, or at the Seaboard National Kank of the City of New York, N. Y. at the option of the holder.

Sec. 6. It is also ordained that the Mayor be authorized to take and have charge of the said bonds, pending their investigation by the Attorney General. and upon their approval and registration, shall proceed to sell the same at public or private sale, at not less than face value

and the proceeds of the bonds, when they shall have been sold, shall be deposited in the hands of the City Treasurer, and it is hereby made the duty of the Mayor to provide that the bonds shall be delivered to the purchaser in the City of Beaumont, and that payment shall be made for the said bonds, by the purchaser thereof, in the said City of Beaumont.

Sec. 7. For the purpose of paying interest on the said bonds and creating a sinking fund sufficient to discharge them at maturity, a tax of seven and twenty-hundreths (7 20-100) cents on each one hundred dollars valuation of all taxable property in the City of Beaumont, shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid and the said tax of seven and twenty one- hundredths (7 20-100) cents out of a tax of fifty cents, levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this council on the 6th day of May, 1902, the ordinance making the said levy, being of record on page 150, Book No. 1 of the Minutes of the Ordinances of the City of Beaumont, is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed and collected and so applied; and said tax, or as much thereof as shall be necessary, is hereby levied for each year hereafter while said bonds are outstanding and the same shall be annually assessed and collected and applied for the purposes named.

Sec. 8. This ordinance shall take effect and be in force from and after its passage and approval.

Approved November 18th, A. D. 1902.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That an ordinance passed and approved on the 16th day of May, 1905, providing for the issuance of four (4) bonds of the City of Beaumont to be known as School House Repair Bonds of the denomination of $500 each, and levying a tax to pay the interest and create

a sinking fund sufficient to redeem such bonds, be and the same is hereby in all things repealed.

Passed and approved July 18th, 1905.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

That for the purpose of repairing the public school buildings of the City of Beaumont there shall be issued by the City of Beaumont 19 bonds of this city in denomination of $100.00 each; said bonds shall be dated September 1st, A. D. 1905, and shall bear interest at the rate of five per cent (5) per annum, the interest payable semi-annually, both principal and interest payable at the First National Bank of Beaumont, Texas. Said bonds shall be numbered consecutively from one to nineteen inclusive.

Sec. 2. Said bonds shall mature and become payable twenty years after date thereof but the City of Beaumont reserves the right to redeem the same at any time after ten years from the date thereof upon payment of the principal and all interest due thereon at the time of such redemption.

Sec. 3. Said bonds shall be signed by the Mayor and countersigned by the City Secretary and the fac-simile of the signature of said Mayor and City Secretary shall be lithographed upon each of the coupons of said bonds; and after approval and registration of the same hereby required by general law, the Mayor is hereby authorized to dispose of the same at any sum not less than par and accrued interest and the proceeds of the sale thereof shall be deposited to the credit of the proper fund in the hands of the City Treasurer of this city and such fund shall not be used or diverted for any other purpose than repairing of the school buildings as aforesaid.

Sec. 4. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity, a tax of (.01) one cent on each one hundred ($100.00) valuation of all taxable property in said City of Beaumont shall be annually levied on said property and annually

assessed and collected until said bonds and interest are are paid, and said tax of one cent on the $100.00 out of a tax of fifty cents levied for the purpose of paying the interest and creating a sinking fund to pay off and discharge all bonds heretofore issued and to be issued by this council, is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year and shall be assessed, collected and so applied; and said tax is hereby levied for each year hereafter while said bonds are outstanding and the same shall be annually assessed, collected and applied to the purposes named.

Passed by the City Council of the City of Beaumont on the 5th day of September, 1905, and approved by the Mayor on the 5th day of September, 1905.

Whereas, at an election held for the purpose on the 25th day of September, A. D. 1906, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue the bonds hereinafter described by a vote of 152 for the issuance of said bonds, to a vote of 10 against the issuance of said bonds, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of the said city, to be called "City of Beaumont School House Building Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in constructing three public school buildings within the City of Beaumont.

Sec. 2. Said bonds shall be numbered consecutively from 1 to 25 inclusive, and shall be of the denomination of one thousand ($1000.00) dollars each, aggregating the sum of twenty-five thousand ($25,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated first day of Dec-

ember, A. D. 1906, and shall become due and payable forty (40) years from their date, but the right is hereby expressly reserved by the City of Baumont to redeem such bonds, or any number thereof, at any time after twenty (20) years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five per cent (5) per annum, the interest payable semi-annually on the first day of June and the first day of December of each year according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at the office of the City Treasurer of the City of Beaumont or at the Park Bank and Trust Company of Beaumont, or at the Hanover National Bank of New York City, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer, and the seal of the city shall be impressed upon each one of them.

Sec. 7. The fac-simile signatures of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of two (.02) cents on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid; and said tax of two (.02) cents on each one hundred dollars, out of a tax of fifty cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this city by this council on the 15th day of May, A. D. 1906 (the ordinance making said levy being of record on pages 384- 385, Book Number 1, of the Minutes of this council) is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the

current year, and shall be assessed and collected and so applied; and said tax or so much thereof as may be necessary is hereby levied for each year hereafter while said bonds or any number thereof are outstanding, and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the twenty-five bonds of the City of Beaumont of the denomination of one thousand ($1000.00) dollars each, as above described, and that said Mayor be authorized to take and have charge of said bonds pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration, he shall proceed to sell the same at not less than their face value, at public or private sale, and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is herby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and payment for same shall also be made in the City of Beaumont.

Passed and approved on the 6th day of November, A. D. 1906.

Whereas, at an election held for the purpose on the 25th day of September, A. D. 1906, a majority of the tax payers of the City of Beaumont, Texas, voting at said election sustained the proposition to issue the bonds hereinafter described by a vote of 155 for the issuance of said bonds, to a vote of 10 against the issuance of said bonds, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of the said city, to be called "City of Beaumont School House Repair Bonds" for the purpose of borrowing money upon the credit of this city,

such money to be used in making improvements on and repairing the present public school buildings of the city.

Sec. 2. Said bonds shall be numbered consecutively from 1 to 5 inclusive, and shall be of the denomination of one thousand ($1000.00) dollars each, aggregating the sum of five thousand ($5000.00) dollars, and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated on the first day of December, A. D. 1906, and shall become due and payable forty (40) years from their date, but the right is hereby expressly reserved by the City of Beaumont to redeem said bonds, or any number thereof, at any time after twenty (20) years from their date.

Sec. 4. Said bonds shall bear interest from their date at the rate of five (5) per cent per annum, the interest payable semi-annually, on the first day of June and the first day of December, of each year, according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupons at the office of the City Treasurer of the City of Beaumont, or at the Park Bank and Trust Company of Beaumont, or at the Hanover National Bank of New York City, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary, and registered by the City Treasurer and the seal of the City shall be impressed upon each one of them.

Sec. 7. The fac-simile signatures of the Mayor and City Secretary shall be lithographed upon the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds and create a sinking fund sufficient to discharge them at maturity a tax of four mills (.004) on each one hundred ($100.00) dollars valuation of all taxable property in the said City of Beaumont, shall be annually levied on said property and annually assessed and collected until said bonds and interest are paid; and said tax of four mills (.004) on the one hundred dollars out of a tax of fifty (.50) cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding bonded indebtedness of this city by this council on the 15th day of May, A. D. 1906, (the ordinance making said levy being of record on pages 384-385, Book Number 1 of the Minutes of this Council) is hereby appropriated and set aside to pay the interest and create the necessary sinking fund for the current year, and shall be assessed and collected and so applied; and said tax, or so much thereof as may be necessary, is hereby levied for each year hereafter while said bonds, or any number thereof, are outstanding, and the same shall be annually assessed and collected and applied to the purposes named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the five bonds of the City of Beaumont of the denomination of one thousand ($1000.00) dollars each, as above described and that the Mayor be authorized to take and have charge of such bonds, pending their investigation by the Attorney General of the State of Texas, and on their approval and registration he shall proceed to sell the same at not less than their face value, at public or private sale, and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont, and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont and payment for same shall also be made in the City of Beaumont.

Passed and approved on the 6th day of November, A. D. 1906.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That the City Treasurer is hereby authorized and required to transfer from the interest and sinking fund of the School House Repair Bonds Number 4 to the City School Fund, the sum of nineteen hundred dollars, par value of nineteen School House bonds issued September 1st, 1905, together with accrued interest from September 1st, 1905, to March 16th, 1909, amounting to the sum of $337.00, bonds and interest aggregating the sum of $2237.00.

Sec. 2. That upon said transfer or payment being made for the above mentioned bonds, the said bonds shall be brought in open council and same shall be burned or otherwise destroyed in the presence of the City Council, and record of said cancellation be made on the Minutes of the Proceedings of the City Council.

Sec. 3. That said tax of five mills (.005) heretofore apportioned to pay the interest and create the necessary sinking fund for the redemption of said bonds by an ordinance duly passed and adopted by the City Council on the 27th day of October, A. D. 1908, (said ordinance being of record, Book 1, pages 489 and 490 of ordinance Book of said city) is hereby transferred and added to the tax of two cents apportioned to the interest and sinking fund of the funding bonds dated December 1st, 1902, making the amount set aside for the funding bonds Number 2 read two cents and five mills (.025) instead of two cents as levied and set aside in last mentioned ordinance.

Passed by the City Council on the 1st day of June, 1909, and approved by the Mayor the 2nd day of June, 1909.

Whereas, at an election held for the purpose on the 28th day of September, A. D. 1909, a majority of the qualified voters, who are property tax payers of the City of Beaumont, Jefferson County, Texas, voting at said election, sustained the proposition to issue the bonds hereinafter described by a vote of one hundred and sixty-four

for the issuance of said bonds to a vote of thirteen against the issuance of said bonds, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Sec. 1. That there shall be issued by the City of Beaumont, Texas, the bonds of said city, to be called "School House Building and Repair Bonds" for the purpose of borrowing money upon the credit of this city, such money to be used in the construction of public schools within the City of Beaumont, and repairs on Public Schools within the City of Beaumont.

Sec. 2. That said bonds shall be numbered consecutively from one (1) to one hundred (100) inclusive, and shall be of the denomination of one thousand ($1000.00) dollars each, aggregating the sum of one hundred thousand ($100,000.00) dollars and shall be payable in lawful money of the United States of America.

Sec. 3. Said bonds shall be dated the first day of December, A. D. 1909, and shall become due and payable forty years from date, but the right is expressly reserved by the City of Beaumont to redeem said bonds or any number thereof, at any time after twenty years from their date.

Sec. 4. Said bonds shall bear interest from their date, at the rate of five per cent per annum, the interest payable semi-annually, on the first day of June, and the first day of December of each year, according to the tenor of the interest coupons thereto attached.

Sec. 5. Principal and interest on said bonds shall be payable on presentation and surrender of bond or proper coupon at office of the City Treasurer of the City of Beaumont, or at the Hanover National Bank of New York, at the option of the holder.

Sec. 6. Said bonds shall be signed by the Mayor, countersigned by the City Secretary and registered by the City Treasurer, and the seal of the City shall be impressed upon each one of them.

Sec. 7. The fac-simile signature of the Mayor and City Secretary shall be lithographed on the coupons.

Sec. 8. It is further ordained by the City Council that to pay the interest on said bonds, and to create a sinking fund sufficient to discharge them at maturity, a tax of six and fifteen one-hundredths cents (.0615) on each one hundred dollars valuation of all taxable property in said City of Beaumont shall be levied annually on said property and annually assessed and collected until said bonds and interest are paid; and said tax of six and fifteen one-hundredths cents (.0615) on the one hundred dollars, out of a tax of fifty-two cents on each one hundred dollars property valuation levied to create the interest and sinking fund to pay the outstanding indebtedness of this city by the council on the 4th day of May, A. D. 1909, (the ordinance making the levy being of record on pages 30 and 31, Volume 2, of the Ordinance Minutes of this council) is hereby appropriated and set aside to pay the interest and create the sinking fund necessary for the current year, and shall be so assessed and collected and so applied, and said tax or so much thereof, as may be necessary, is hereby levied for each year hereafter, while said bonds, or any number thereof, are outstanding, and the same shall be annually assessed and collected and applied for the purpose named.

Sec. 9. It is further ordained that the Mayor be authorized and he is hereby directed to have prepared the one hundred (100) bonds of the City of Beaumont, of denomination of one thousand ($1000.00) dollars each, as above described, and that said Mayor be authorized to take and have charge of said bonds, pending their investigation by the Attorney General of the State of Texas, and upon their approval and registration, he shall proceed to sell them at not less than their face value at public or private sale, and the proceeds of such sale shall be deposited with the City Treasurer of the City of Beaumont; and it is hereby made the duty of the Mayor to provide that said bonds shall be delivered to the purchaser in the City of Beaumont, and the payment for same shall be made in the City of Beaumont.

Sec. 10. This ordinance shall take effect and be in full force from and after its passage, lawful publication, and approval by the Mayor.

Passed and approved on the 20th day of October, A. D. 1909.

APPENDIX

APPENDIX

AN ORDINANCE.

Providing for the levy, assessing and collecting of taxes for the year 1911, for the purpose of providing a sinking fund to meet the payment of the outstanding bonded indebtedness of the City of Beaumont, and to pay the accruing interest thereon; to provide for the support of the Public Schools of the city; to repair and improve the streets, alleys, and public squares, to meet the current expenses of the City of Beaumont, to provide for the purchasing, construction, maintaining, operating and owning of public parks, to tax occupations and callings made taxable by law; to collect a poll tax on all able bodied male citizens over 21 and under 60 years of age.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That there is hereby levied and shall be assessed and collected for the year 1911 the following taxes on all property situated within the corporate limits of the City of Beaumont, Texas, made taxable by law, to-wit:

For the purpose of paying General Current Expenses of the City Government and for General purposes, forty (40) cents on each one hundred ($100.00) dollars valuation.

For the support and maintenance of the Public Free Schools, twenty-five (25) cents on each one hundred ($100.00) dollars valuation.

For the purpose of repairing and maintaining the streets, alleys, public squares and bridges of the City, thirty (30) cents on each one hundred ($100.00) dollars valuation.

For the purpose of paying the accruing interest, and to provide a sinking fund for the payment of the outstanding indebtedness of the city, fifty-two (52) cents on each one hundred ($100.00) dollars valuation.

For the purchasing, construction, maintenance, and operation of public parks, either inside or outside of the City of Beaumont, three (3) cents on each one hundred ($100.00) dollars valuation.

SECTION II.

That there is hereby levied and shall be collected on all occupations and callings on which an Occupation Tax is levied by the State of Texas, a sum equal to one-half the amount so levied by the State of Texas on each respective occupation or calling.

SECTION III.

That there is hereby levied and shall be collected a poll tax of one ($1.00) dollar from each and every able bodied male citizen of this city between the ages of 21 and 60 years, excepting and exempting herefrom those who may be exempt from the payment of such tax by the Constitution and Laws of the State of Texas.

SECTION IV.

This ordinance shall take effect and be in full force from and after its passage, its approval by the Mayor and publication.

Passed this the 2nd day of May, A. D. 1911, approved this the 2nd day of May, A. D. 1911.

AN ORDINANCE.

Entitled an ordinance amending Chapter 30, Article 384, Section 2, Revised Code of Ordinances of the City of Beaumont.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That Chapter 30, Article 384, Section 2, Revised Code

of Ordinances of the City of Beaumont be amended so that it shall hereafter read as follows:

Article 384.

Sec. 2. As soon as practicable after the first day of June of each year said Board of Appraisement shall meet in the Council Chamber of the City Hall, and the City Tax Assessor and Collector shall deliver to them the tax sheets prepared by him, and they shall proceed in the discharge of their duties in the manner provided by the Charter of the City of Beaumont, and said board shall receive the sum of $5.00 for each day they shall be engaged in their labors, which sum shall not be paid until the completion of their work.

SECTION II.

This ordinance shall go into effect and be in full force and effect from and after its passage, approval by the Mayor and lawful publication.

Passed this the 6th day of June, A. D. 1911, approved this the 6th day of June, A. D. 1911.

AN ORDINANCE.

Entitled an ordinance amending Articles 880, 881, 882, 883, 884, 885, 886 and 887, Chapter 40 of the Revised Code of Ordinances of the City of Beaumont.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That Articles 880 to 887, inclusive, of the Revised Code of Ordinances of the City of Beaumont are hereby amended so they shall hereafter read as follows:

Article 880. It shall be unlawful for the owner or keepers of any dog or bitch to permit the same to run at large in any street, alley or public highway or public grounds in the City of Beaumont, unless said dog or bitch shall have been licensed, and wear a tag as provided in Article 882.

Article 881. It shall also be unlawful under any consideration for the owner or keeper of any vicious dog or bitch or proud bitch to allow it to run at large in the streets, alleys, highways and public places.

It shall also be unlawful for the owner of any bull dog or bull bitch to allow it to run at large in the streets, alleys, highways and public places, unless same is muzzled in such a manner as to prevent it from biting anyone.

Article 882. The Chief of Police shall provide and keep a book of blank licenses, numbered in consecutive order, to be issued to persons who demand same, which license shall state the name and residence of the person to whom it is issued, the date of issuance, a description of the dog or bitch licensed, the place where usually kept, and the amount of license fee paid therefor. A memorandum of such license shall be kept on the marginal stub in such book. The Chief of Police shall also provide and issue with each license a metallic tag, to be attached to the dog or bitch licensed, bearing a number corresponding to the license, and also the year for which it is issued. The license fee to be collected by the Chief of Police shall be $2.00 for each male dog or spayed bitch and $5.00 for each bitch. Provided, however, that no license shall be issued for a spayed bitch for $2.00 unless the applicant shall furnish the Chief of Police a certificate from a veterinarian that the said bitch has been spayed by him.

Licenses issued hereunder shall be in force one year, said year to run from June 1st, to June 1st, thereafter, beginning with June 1st, 1911. Provided, that in case the possessor of any license and tag wishes to use said tag on any other dog or bitch not as described in the license as above provided, he may do so if he previously gives written notice to the Chief of Police of same and a description of the dog or bitch which he intends to place the tag on. Provided further, any owner or keeper of a dog or bitch may on filing an affidavit with the Chief of Police, that the tag furnished him at the time he se-

cured his license has been lost and he does not know where same is, be entitled to receive another tag upon the payment of a fee of $.50, provided, that any person who shall use a tag on any dog or bitch without securing same from the Chief of Police shall be guilty of a misdemeanor, and be fined in any sum as provided in Article 887.

Article 883. The Chief of Police shall designate one or more policemen, whose duty it shall be, with such assistance as may be provided, to capture, take charge of and place in the public dog pound—to be selected by the Mayor and Chief of Police—all dogs and bitches found running at large in any street, alley or other highway and public grounds, unless said dog or bitch shall have been licensed and also wear a tag as described in Article 882 of the Revised Code of Ordinances of the City of Beaumont. In case the owner or keeper of any dog or bitch should fail within 24 hours to redeem such dog or bitch, the Chief of Police shall advertise such animal for sale by posting three notices of said sale, one of which shall be placed at the Court House, one at the Police Station and one at the United States Post Office. Said sale to be held not earlier than 48 hours after posting of said notice. The notice shall give a good description of the dog or bitch, and the time and place of sale; and, unless said dog or bitch is redeemed before the time set for said sale, the dog or bitch shall be sold to the highest bidder. Provided, if no sale can be made of the dog or bitch, the Chief of Police shall have same killed.

Article 884. If within a period of three days after the capture of any dog or bitch the owner or keeper of same may wish to redeem it, he can do so by paying to the Chief of Police the sum of $2.00 as a penalty, and if said dog or bitch has not been licensed as required in Article 882, the said owner or keeper shall also be required to secure a license for said animal. Provided, that if the said dog or bitch captured shall have been licensed, then the Chief of Police shall collect from the owner or keeper of the dog or bitch captured the sum of 50 cents as a penalty, but if the owner or keeper makes an affidavit that said tag is lost and he does not know where

it is the Chief of Police shall issue him a new one as provided in Article 882, and he shall not be liable for the 50 cents penalty as above provided in this article.

Article 885. All monies collected by the Chief of Police under this ordinance shall be paid over to the City Treasurer in the manner designated by the City Council.

Article 886. The excess of all monies derived from the sale of any dog or bitch shall be placed by the City Treasurer in a separate and distinct account and if within a period of 12 months after the sale as provided in Article 883, the owner or keeper can satisfactorily prove to the City Council that said dog or bitch was his, the City Council shall order the City Secretary to draw warrant on said fund for such excess. And in case no person shall establish a claim within 12 months after any sale the said excess shall be and become the property of the city.

Article 887. Any person who shall violate any of the preceding articles of this chapter relative to dogs and bitches shall be fined in any sum not less than $5.00 nor more than $50.00.

SECTION II.

This ordinance shall take effect and be in full force and effect from and after its passage, approval by the Mayor and lawful publication.

Passed this the 19th day of May, A. D. 1911, approved this the 19th day of May, A. D. 1911.

AN ORDINANCE.

Granting to the Texarkana & Ft. Smith Railway Company, its successors and assigns, for a period of fifteen (15) years the right and privileges to construct and lay a track and operate its trains and cars thereon across Burt Street, and over and along Finis Street from and across Carroll Street to Leonard Street in the City of Beaumont and prescribing the conditions thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That the Texarkana & Ft. Smith Railway Company be and it is hereby granted the privilege to construct and maintain at its own expense a single, standard gauge railroad track across Burt Street, over and along Finis Street from and across Carroll Street to east side of Leonard Street in the City of Beaumont, and it is also authorized to construct a switch track connecting with said track above authorized, point of which switch to be not greater than twenty-five (25) feet west of Wallace Street on Finis Street and across Wallace Street to the property owned by the Beaumont Column Factory. It being understood and agreed that the track and siding is laid as an industrial track for the purpose of reaching commercial and industrial enterprises located along the right of way on which said track is authorized to be laid.

SECTION II.

The grantee, its successors and assigns, shall have the right to operate trains, engines and cars over said track and siding when done so to further the interests for which this grant is given as stated in the latter portion of Section 1 hereof.

SECTION III.

That the said Railway Company shall be required, at its own expense, to construct and maintain suitable ditches and culverts for the purpose of properly draining said Finis Street, and to construct and maintain good and sufficient crossings at the intersections of all cross streets, crossed by its said railroad tracks with easy approaches thereto, so as to keep said street and crossings in such condition as not to unreasonably interfere with public travel and traffic thereon.

SECTION IV.

That said Railway Company shall be further re-

quired to construct and maintain said railroad track at the same grade or level as the established grade or level of said streets, so as not to in anywise obstruct the use of same by the public, and shall also within a reasonable time, not exceeding one year after the construction of said railroad track ballast said railroad track along said Finis Street between the rails and to a distance of two feet on either side thereof with rock, gravel, shells, sand, cinders or other suitable material to be determined by the City Council in such manner that said track may be on a level with said street.

SECTION V.

The grant herein given is for a single track only; said track shall be laid as near the center of the street as possible and shall be laid under the direction of the City Engineer of the City of Beaumont, and should a dispute over said construction arise, the grantee, its successors and assigns, hereby agreee to refrain from doing said work until the matter of dispute has been approved by the Street and Bridge Committee of the City of Beaumont; provided, that if said committee shall sustain the contention of the City Engineer in said matter, then the grantee, its successors and assigns, shall have the right to submit same to arbitration. The board of arbitrators to be composed of one person selected by the Street and Bridge Committee, one by the grantee, its successors or assigns, and the third by these two and the decision of said board shall be final as to both parties.

SECTION VI.

The foregoing rights and privileges are especially granted upon the expressed condition that the said grantee, its successors or assigns, shall within thirty (30) days after the passage and approval by the Mayor of this franchise, acting through its proper officer, file with the City Secretary its written acceptance of this ordinance and upon further condition that the track to be constructed hereunder shall be completed within sixty (60) days

from the passage hereof and upon failure of the grantee, its successors or assigns, to file its acceptance as provided herein, then this franchise shall be null and void and become of no further force nor effect.

SECTION VII.

If the grantee, its successors or assigns, shall at any time during the life of this franchise discontinue the use of the track, for which this franchise is granted, for a period of thirty (30) successive days this franchise shall then and there terminate and all the rights and privileges herein granted shall revert back to the city, and the grantee, its successors or assigns, shall on notice from the City Council, remove its track from the streets, and if same is not done within thirty (30) days thereafter, the City of Beaumont shall have the right to do said work itself and recover of and from the defendant such amount as may be expended by the City of Beaumont on said work plus ten per cent additional as a penalty, and if said amount is not paid within thirty (30) days after the completion of same by the city, an additional ten per cent shall be added as a penalty, and the total of said amount shall draw interest from that date at the rate of ten per cent per annum.

SECTION VIII.

This ordinance shall go into force and effect from and after its passage, approval by the Mayor, the filing of the written acceptance, as provided in Section 6 hereof, and lawful publication, as provided in the City Charter, and shall continue for a period of fifteen (15) years thereafter.

Passed this the 2nd day of May, A. D. 1911, approved this the 2nd day of May, A. D. 1911.

AN ORDINANCE.

Granting to the Beaumont, Sour Lake and Western Railway Company, its successors and assigns, for a per-

iod of fifteen years the rights and privileges to construct and lay a track and operate its engines, trains and cars thereon across Bibb Avenue to an alley in Block 44 of the Van Wormer Addition to the City of Beaumont, between Crockett and Bonham Streets, thence up said alley to a point where the Gulf and Interstate Railway Company's track crosses same, and prescribing the conditions thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That the Beaumont, Sour Lake and Western Railway Company be and it is hereby granted permission to construct and maintain, at its own expense, a track, over, across and along the following streets, avenues and alleys in the City of Beaumont, to-wit:

Beginning at a point in Block 45 of the Van Wormer Addition to the City of Beaumont, thence across Bibb Avenue to alley in Block 44 running parallel and between Crockett and Bonham Streets, thence up said alley to a point where the Gulf and Interstate Railway Company crosses same; said track to extend from its point of beginning in Block 45 of the Van Wormer Addition to the City of Beaumont across Bibb Avenue and to a point where the Gulf and Interstate Railway Company crosses from the southwestern boundary of Block 44 into said block.

It being understood and agreed that the said track is laid as an industrial track for the purpose of reaching commercial and industrial enterprises on said Block 44 in the Van Wormer Addition to the City of Beaumont, Jefferson County, Texas.

SECTION II.

The grantee, its successors and assigns shall also have the right to operate trains, engines and cars over said track when done so to further the interests for which

this grant is given, as stated in the latter portion of Section 1 hereof.

SECTION III.

In consideration of the grant of this franchise the grantee, its successors and assigns, agrees and obligates itself from time to time, as it may be required by the City Council, to surface the tracks laid under this franchise, to grade level with the street with sand, crushed rock, shell, brick or other material suitable as the City Council may direct, and in the event that at any time the city may undertake to construct public sewers underground intersecting any portion of the track laid hereunder, the grantee, its successors and assigns agrees and obligates itself to pay for so much of said sewers as underlie said track and the grantee, its successors and assigns, also obligates and agrees to construct, build and maintain such ditches and culverts as it may be so directed by the City Council, and of such material as the City Council may direct.

SECTION IV.

The grant herein given is for a single track only; said track shall be laid as near the center of the street or alley as possible and shall be laid under the direction of the City Engineer of the City of Beaumont, and should a dispute over said construction arise, the grantee, its successors and assigns, hereby agree to refrain from doing said work until the matter in dispute has been approved by the Street and Bridge Committee of the City Council of the City of Beaumont; provided, that if said committee shall sustain the contention of the City Engineer in said matter, then the grantee, its successors and assigns, shall have the right to submit same to arbitration. The board of arbitrators to be composed of one person selected by the Street and Bridge Committee, one by the grantee, or its successors and assigns, and the third by these two and the decision of said board shall be final as to both parties.

SECTION V.

The foregoing rights and privileges are especially granted upon the expressed condition that the said grantee, its successors or assigns, shall within thirty (30) days after the passage and approval by the Mayor of this franchise, acting through its proper officer, file with the City Secretary its written acceptance of this ordinance and upon further condition that the track to be constructed hereunder shall be completed within sixty (60) days from the passage hereof, and upon failure of the grantee, its successors or assigns, to file its acceptance as provided herein, then this franchise shall be null and void and become of no further force nor effect.

SECTION VI.

This ordinance shall go into force and effect from and after its passage, approval by the Mayor, the filing of the written acceptance as provided in Section 5 and lawful publication, as provided in the City Charter, and shall continue for a period of fifteen years thereafter.

Passed this the 7th day of March A. D. 1911, approved this the 7th day of March, A. D. 1911.

AN ORDINANCE.

Granting to I. D. Polk, his heirs, lessees, successors and assigns, for a period of fifty years from the date upon which the same shall go into effect, the right to construct, maintain and operate an interurban and street railway system for the carriage of passengers, baggage, mail, freight and express, in and upon certain streets and highways within the present and future incorporated limits of the City of Beaumont, Jefferson County, Texas, and prescribing the terms, conditions and limitations upon which the said grant is made.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That there is hereby granted to I. D. Polk of the

said city, his heirs and assigns, the right to construct, maintain and operate an interurban and street railway system for the carriage of passengers, baggage, mail, freight and express, in and upon the following streets, avenues, highways and ways of the said City of Beaumont, Texas, to-wit:

On Herring Street from River Neches south (nearest and most practical route to Sherman Street).

On Sherman Street, west to Irving Avenue; on Hemlock Street south from Sherman Street (nearest and most practical route to city limits); from Irving Avenue in a southwesterly direction to east end of Flowers Street; thence west on Flowers Street to Pennsylvania Avenue.

Thence north on Pennsylvania Avenue to Langham Avenue; thence west on Langham Avenue to Parker Street; thence north on Parker Street to Neches Street; thence northward on Neches Street to Franklin Street; thence eastward on Franklin Street to Main Street; thence northward on Main Street to intersection of Fannin Street; thence west on Fannin Street to Orleans Street.

Also on Orleans Street south from Crockett Street to Franklin Street; provided that all portions of the above described route have not been dedicated to the city as Streets, the grantee shall acquire at his own cost and expense.

Also such of the other streets within the corporate limits of the City of Beaumont, as may be designated by ordinance of the City Council of the City of Beaumont as streets upon which said railway system may be extended; also such streets or highways as may be hereafter included within the corporate limits of the City of Beaumont, upon which the grantee or his assigns may be operating its railway system at the time of such inclusion.

This grant on Franklin Street to Pennsylvania Avenue is made subject to the condition that the grantee shall, when he constructs his road, pave with shell or

macadam approved by the City Council from curb to curb such streets over such portions of the length thereof traversed by their tracks as is now shelled.

And this grant is made in the further condition that if the city determines that it is advisable that the T. & N. O. R. R. track on Main Street should be moved to one side when the grantee's tracks is built on that street, the grantee shall assume all cost of removing said T. & N. O. R. R. track and foundations.

In the event the City of Beaumont is able in its descretion to secure to the grantee by agreement of the Beaumont Traction Company or otherwise, the right to move at the grantee's expense, the present tracks of the Beaumont Traction Company on Milam Street from Park Street to Pearl Street to one side, to enable the grantee to construct an independent track on Milam Street, by the time the grantee has constructed his track from the city limits to Franklin Street in accordance with the requirements of this ordinance, then, and in that event, the grantee shall not have the right hereinbefore granted to construct his track on Franklin Street from Neches Street to Milam Street nor on Main Street from Franklin to Milam Street nor on Orleans Street from Franklin to Milam Street, but in lieu thereof, the grantee shall construct, and in that event he is hereby granted the right to construct, his track on Neches Street continuing from the intersection of Franklin and Neches Street to Milam Street and on Milam Street from Neches Street to Main Street; but in the event the City of Beaumont does not secure to the grantee in the manner aforesaid the right grantee's right to construct his track on Franklin Street within the time above limited, then and in that event the to move said tracks of the Beaumont Traction Company from Neches to Main Street and on Orleans Street from Franklin Street to Milam and on Main Street from Franklin to Milam Street shall remain in full force and effect.

In the event the grantee constructs his track on Milam Street instead of Franklin Street as hereinbefore provided, then the grantee shall not be required to shell or macadamize Franklin Street.

Sec. 2. The said grantee shall have the right to enter upon any and all of said streets, avenues and highways and to construct thereon the railway tracks, side tracks, turnouts and switches as may be necessary in operating its cars and trains, provided that the location in the street of all tracks, side tracks, turnouts and switches shall be subject to the approval of the City Council, and for said purposes may make such excavations and fills in said streets, avenues and highways as may be necessary, provided, that the tracks of said railway upon the following named streets, to-wit:

All streets that are now shelled and paved including such parts of Pennsylvania Avenue and Franklin Street as stated in Section 1, shall be originally laid upon a concrete foundation, 12 inches in thickness and extending for two feet on each side of the rails, and the city shall, when the grantee or his assigns is ready to commence the construction of said tracks upon said streets, furnish to said grantee the permanent paving grade of said streets, and permanent grade to which such concrete foundations shall be constructed, and such foundations and grade shall not thereafter for a period of ten years be changed by the city, except as hereinafter provided.

Sec. 3. That if at any time the city shall desire to change the grade of any street or portion thereof, traversed by the lines of the grantee, or to improve the same by shelling, macadamizing, paving, reshelling, remacadamizing, repaving or repairing, and shall provide for such improvement or change of grade by ordinance, then the grantee herein shall pay the cost of such improvement, or change of grade, between and under the rails and tracks of its railroads and turnouts, and for two feet on each side thereof, as well as the cost of changing its tracks to conform thereto; and when the city is ready to proceed with the improvements, repairs or change of grade of such streets or portion thereof, the city, through its proper representatives may enter into a contract for the construction of such improvement, or the making of such repairs or change of grade, and charge to the

grantee herein its proper pro-rata of the contract price of same for the whole width of the street as shall be assessed by the City Council; provided, that the city may proceed for the enforcement of the obligation of the grantee to make such improvement, repairs or change of grade, as provided in the general laws of the State of Texas by Act of May 10, 1909, or as provided in the Charter of the City of Beaumont, but in each case the obligation of the grantee to make and to pay for its pro-rata of such improvement shall constitute a first lien as hereinafter provided.

Provided further, that whenever the grantee shall build, or the city shall build, for the grantee and the grantee pay for any concrete foundations under the tracks, the City Engineer, acting under direction of the City Council shall be required to establish a permanent paving grade for such concreting and track construction, and the track shall be constructed to said grade under the supervision of the City Engineer, or such other agent as the City Council may direct, and should the city determine to change the grade of any such concrete construction on grades hereafter established, within the period of ten years from the date of requirement of such construction, it, the city, shall be required to bear a portion of the expense of reconstruction caused by such change of grade, that is to say, the proportion of reconstruction expense in such case to be paid by the city shall be as follows, to-wit:

If the change of grade and construction is required within the first year after the original concrete construction is required, all of the expense thereof; if within the second year after requiring the original concrete construction, ninety per cent of total cost of change, and ten per cent less for the lapse of each additional year, but after the lapse of ten years from the date of requirement of original concrete construction the city shall bear none of the expenses caused by such changes of grade.

Sec. 4. The tracks to be laid upon all the streets herein enumerated shall be laid with rail as hereinafter

described, and shall be so constructed as to insure the safe, comfortable and convenient passage of the cars thereover, and all construction work by the grantee, his lessees, successors and assigns, shall be constructed to grade to be furnished by the City Council, and shall be subject to supervision of the City Engineer; and at such times as public necessity or convenience shall require the same, the City Council may require a change of grade and require the grantee, his lessees, successors or assigns, that any of his said tracks on the streets of the City of Beaumont be laid upon a concrete foundation of the character above indicated; but the City Engineer shall have no authority to waive any requirements imposed upon the grantee either by this franchise or any other law, and it is hereby made the duty of the City Engineer to supervise all construction and repair work of all street car lines of the grantee involving any interferance, whether temporary or permanent, with the grades and levels of the streets of the city, and to require them to be promptly restored to as good condition as they were in before such construction or repair work; provided, that the grade of the streets upon which the grantee is required to lay its tracks upon concrete foundations as provided in Section 3 hereof, shall not be changed except as provided in said section.

Sec. 5. It the said grantee shall at any time after constructing any concrete foundations, voluntarily change the concrete foundations of any of its tracks, the city shall have the right to change the grade of said streets and of said foundations, and require of the grantee the payment of its pro-rata part of the cost of changing the grade as hereinbefore provided, and all cost of the change in the concrete foundations of its tracks.

Sec. 6. The said grantee, his heirs or assigns, shall have the right to construct, maintain and operate all necessary and convenient structures and power houses in the City of Beaumont, but not in the streets thereof, and in the streets aforesaid all fixtures, appliances and appurtenances needful in the construction, maintenance and operations of said railway, including the right to

construct a system of overhead wires for the purpose of conducting electric currents to operate motors, to propel cars, and for the purpose of conducting such electric currents and power from the power plants and generating stations of said railway over said system of overhead wires, and may use the rails, or any other improved method for return circuit for such purposes, provided that the earth shall not be used for return circuit, and the grantee, his heirs or assigns, shall also have the right to erect poles along and upon the sidewalks of the streets above mentioned, to carry overhead wires and whatever may be necessary, requisite and convenient to conduct the power from the generating stations of said railway, provided said overhead fixtures, poles, and wires shall be so constructed as not to endanger the public, and shall at all times be maintained with proper safeguards and in good condition and repair; provided, all poles constructed upon the sidewalks shall be constructed near the outer edge thereof, and within the curb line, and in such manner as to obstruct as little as practicable the free and convenient use of the sidewalks by the public; said poles to be not less than 100 feet apart, and to be straight, shapely, of uniform size, and thoroughly painted of such color as the City Council may direct; all poles, overhead wires and fixtures to be first class in every respect, fitted with proper safeguards, and to be at all times kept in good repair, and replaced and renewed when needed; provided, that the location of all poles placed as aforesaid shall be placed under the supervision of the City Engineer.

That the rights and privileges in the streets, granted by this section, shall apply on such portions of the streets of the City of Beaumont as said grantee is hereby authorized to use, or shall hereafter be authorized to operate its railway upon; and the said grantee is authorized to construct and maintain feed wires upon its poles, along its lines of railway operated by it; but no feed wires, except on those streets which the grantee shall operate its lines of railway upon, shall be erected without the permission of the City Council of the City of Beaumont, and

all such feed wires shall be thoroughly insulated and shall be constructed and maintained in good order and condition.

Sec. 7. That the grantee shall use this grant in such manner and maintain its lines of road, and operate its cars so as not to unnecessarily injure the said streets nor to interfere with the use of the same by the public; and in doing construction or repair work on its tracks, the grantee shall perform same in such manner as shall not unnecessarily interfere with the use of the street by the public; provided, the cars operated upon the tracks to be constructed under this ordinance shall have the right of way over said tracks on said streets; and any injury to the streets in connection with its construction or repair work, the grantee shall repair at its cost. The grantee shall at all times keep that portion of the street and its foundation between its rails, tracks, sidings and turnouts, and for two feet on each side thereof, in good condition and repair; and shall keep the top of its rails on a level with the street; and construct and maintain in good condition and repair a good and sufficient wagon crossing from street line to over and across its tracks, and shall construct and maintain over its tracks and for two feet on each side thereof in good condition and repair, a good and sufficient foot crossing on each side of the street at the intersection of all streets, in such manner as it may be directed to do from time to time by the City Council of the City of Beaumont or other governing body of said City of Beaumont; and shall pay to the City of Beaumont one-half the cost of all culverts from curbing to curbing, which the city may construct or cause to be constructed under its tracks, and shall also pay to the city one-half of the cost of maintenance thereof; provided, that nothing in this section contained shall be construed as affecting any legal right which the City may have to compel the grantee to pay a larger portion of the cost of construction and maintenance of culverts than that above provided.

Sec. 8. For the purpose of making repairs or improvements, the city, through its Mayor, may at any time

require suspension of operation of cars over any portion of said streets, until same may be safely resumed without probability of injury to said improvements.

Sec. 9. The grantee shall use modern, improved rails of not less than 70 pounds to the yard, in the construction of the line of railway; provided, the City Council reserves the right to determine the kind and weight of rail to be used on all paved, shelled or macadamized streets, and upon such streets as may be hereafter paved, shelled or macadamized.

In case the rails are joined by any other form than a case welded or electrically welded joint, there shall be used some good and approved bonding system which will connect the ends of the rails in such manner that the conductivity of the joints shall be such as to render them capable of preventing, in so far as practicable, any tendency for the current to shunt at that joint, and as nearly equivalent to the carrying capacity of the rails as necessary for that purpose. The rails of each single track, and the inside rails of the double track of all tracks shall be connected by sufficient cross bonds spaced not more than one thousand feet apart, and properly secured to the rails in such manner as to secure proper conductivity. The grantee shall use the most approved method of bonding, and returning current to their plant so as to prevent damage from electrolysis as effectually as practicable.

And the City Council or other governing body of the City of Beaumont shall have the right to make, or cause to be made, at any time an electrical survey to determine whether or not the rails are bonded so as to prevent damage from electrolysis as effectually as practicable.

Sec. 10. The grantee, its successors, lessees or assigns hereunder shall provide, keep, maintain and operate a sufficient number of first class cars of modern design, with vestibules or otherwise enclosed so as to protect the operator of said cars, for the comfortable and safe transportation of passengers, and all cars shall be equipped with modern brakes and safety appliances, pro-

vided that all passenger cars shall be not less than double truck.

The grantee shall also procure and keep in good condition and repair a sufficient number of water sprinkling cars with which to sprinkle such streets enumerated herein as are now, or may be hereafter paved, macadamized or shelled, and at such times, not exceeding twice daily, as may be required by the City Council, shall sprinkle with water the paved, shelled or macadamized streets by the operation of the said water sprinkling car or cars over its said track.

Sec. 11. The grantee shall illuminate the streets on which the railway to be constructed hereunder is operated, at such points and places thereon as shall be designated by the City Council of said city, whenever the said City Council shall, by resolution require said illumination.

The lights therefor shall not be of less candle power than the arc lights in use by the said city, for general street lights.

Section 12. That the grantee is granted the consent, permission and authority to use the tracks on the streets over which this franchise extends for hauling passengers, freight, express, baggage and mail, subject to all the provisions, requirements and limitations in this ordinance; provided, that no freight train or freight car shall be permitted to run on Orleans Street; all cars shall be equipped with suitable air brakes; no cars will be permitted at any time to stop upon any street crossing nor to stop at street crossings for a greater length of time than five minutes, and the time which any cars shall be permitted to stand on streets, may be regulated from time to time by the City Council. All freight cars shall be strictly interurban cars, and not regular railroad freight cars.

The carrying of mail, express, baggage and freight must not in any manner hinder or delay passage of cars.

The grantee shall establish at some convenient place or places along said lines, such baggage, mail, express

and freight stations as shall be reasonably necessary for the accomodation of its baggage, mail, express and freight business, the location to be approved by the City Council; but all points upon the line of said railway, upon said streets, other than where stations are built, at which baggage, express, mail or freight are to be loaded and unloaded shall be subject to the approval of the City Council from time to time.

Sec. 13. The grantee, his heirs, successors or assigns, shall have the right to operate over the street above defined as interurban railway system between the cities of Beaumont and Port Arthur and elsewhere, and also the right to operate over said streets a local railway system and surburban system, as distinguished from an interurban system, proper, provided, that if the said grantee, his heirs, successors or assigns, shall operate a local or surburban system, or both local and surburban system upon said streets, avenues and highways or any of them, they shall provide and equip said road with a sufficient number of modern, first class passenger cars not less than double truck, with vestibules or otherwise enclosed so as to protect the operator of said cars; equipped with modern brakes and safety appliances, to accomodate all such passenger business as may be tributary to their said line, and shall fix and maintain adequate schedules for said purposes, and the City Council reserves the right, from time to time, to change the schedules to be fixed by the railway company in the operation of said local and surburban service, upon giving notice to the said railway company of its intention and purpose to do so, and upon giving to the said grantee, his heirs, successors or assigns, an opportunity to be heard upon the schedules to be thus fixed, and if the said City Council and the said grantee, his heirs, successors or assigns, shall be unable to agree upon the schedule required to be maintained, then the same shall be fixed by arbitration, the said City Council having the right to appoint one arbitrator, and the said grantee one arbitrator, and if the arbitrators thus appointed cannot agree upon a schedule, then they shall have the right to appoint a

third arbitrator; the conclusion of any two of said arbitrators as to the schedule to be maintained shall be binding.

It is not intended by this section to limit the right of the grantee, his heirs, successors or assigns, to conduct a local passenger business incident to and connected with the operation of its interurban cars, as distinguished from a local or suburban business proper, provided, that the fares to be charged to any passenger carried upon interurban cars between points within the city, shall be as in this ordinance fixed.

Sec. 14. The said grantee, his heirs and assigns, shall have the right to operate over said railway, cars and equipment used by them in the construction, maintenance and operation of any suburban or interurban railway, owned or controlled by them, and to connect said system of railway at the present or future city limits with the tracks of such interurban or suberban line, or may construct and operate the railway within the city limits above defined in conjection with such suburban or interurban line as one and the same system, or may enter into any agreement or contract with any person, company or corporation operating an interurban or suburban road for the joint or exclusive use of the system of street railway within the city limits constructed and operated under this grant.

Said grantee, his heirs and assigns, may also enter into contracts or agreements with any other person or corporation operating a system of street railway within the city limits of the City of Beaumont, for the operation of their respective cars over the lines of each, upon such division of earnings or upon trackage charge and wheel basis to be agreed upon, provided, that the fares to be charged for the transportation of passengers shall be as hereinafter set forth, all such contracts or agreements to be subject to the approval of the City Council.

Sec. 15. The said grantee, his heirs or assigns, shall have the right to construct, maintain and operate under this ordinance, an electric system, or may operate its cars with gas or gasoline, denatured alcohol or naphtha

motor power, or any other power in use by street or interurban railways proper, as distinguished from a general railroad, and when operated as or in conjunction with suburban or interburban business, may transport passengers, baggage, express and other property; provided, that no steam railroad shall be operated over said track, and provided further that charges for transportation of freight shall be subject to control of the Railroad Commission of Texas.

Sec. 16. The grantee shall maintain standard gauge lines, and in all construction, unless otherwise provided, herein or by ordinance or resolution, shall keep its tracks midway of the streets and when a double track or switch is permitted, shall lay its double tracks and switches on each side of the middle of the streets, covering no greater part of the street than is reasonably necessary for safe passage of cars; and it shall only have the right to lay double tracks on such portions of the streets covered by this franchise as it shall hereafter obtain special permission for from the City Council, and the location of all switches and turnouts shall be subject to the approval of the City Council. On Main Street the railway shall be constructed upon such portion of the street as may be approved by the City Council.

The grantee shall, whenever required to do so by the City Council of the City of Beaumont, move or permit to be moved any of its tracks in or near the center of a street or streets nearer to one side of such street or streets, to enable the city or the holder of a franchise from the City of Beaumont to construct and additional track upon such street or streets, provided the grantee shall not be required to bear any part of the expense of such moving of his tracks, and provided the street is of sufficient width to permit such moving.

Sec. 17. The grantee shall not operate or run its cars without the consent of the City Council within the business portion of the city, at a greater rate of speed than ten miles per hour, nor shall they operate their said cars in any other portion of the city without the consent

of said City Council, at a greater rate of speed than 15 miles per hour.

Sec. 18. The grantee herein may charge, and is authorized to collect a fare of five cents for each single trip for each passenger within the city limits.

School children shall be carried on their way to and from school at two and one-half cents for each trip, within the city limits, and such tickets to be good only between the hours of 7 A. M. and 6 P. M. Children under five years under five years of age, when accompanied by a nurse or parent, or by a person paying a fare, shall be carried free of charge; and City Police officers and firemen shall be carried free of charge within the city limits, passes to be issued to them at the request of the Mayor, so long as free passage is not forbidden by law.

The City of Beaumont hereby reserves the right to require of the grantee herein, when the line of railway constructed hereunder is operated either as a local or suburban system, or both local and suburban system, as contra-distinguished from an interurban system, to provide for interchangeable transfers with any and all lines of street railway or interurban railways which shall be mutually accepted; provided, that no such requirement will ever be made by the City Council unless at the same time reasonable provisions shall be made by the City Council governing the division of fares for such connected service; and provided further, that the city will only exercise this power when reasonably necessary for the public interest or convenience.

Sec. 19. Whenever the railway to be constructed and operated under this franchise shall be put into operation, the same or any part thereof shall not be abandoned except upon the consent of the City Council, and in case permission of the City Council is secured for such abandonment, then the grantee shall, within sixty days after such ordinance or resolution is adopted to that effect, remove its tracks from said streets and put such streets in repair.

Sec. 20. In granting this franchise, it is not in-

tended to waive or surrender any powers which the City Council has by general or special law over the grantee in the exercise of its general police powers as a municipal governing body; nor to waive any obligation which the said grantee may be under to the public as a public service corporation, and the specification herein made of matters and things to be done by the grantee, shall not in any case be construed as an exclusion of their public duties; but the grantee shall be, and is hereby required to comply with all the obligations laid upon street and interurban railways by the Charter of the City of Beaumont, and by the General Laws of the State of Texas, and by all ordinances that may hereafter be passed by the City Council in the exercise of their duty and lawful police powers, and in pursuance of the provisions of the City Charter, and the provisions hereof shall not only apply to those portions of the grantee's lines herein designated in the city limits, but to additional portions hereafter included in the city limits from time of such inclusions.

Sec. 21. That in any case where it is herein provided that the grantee shall perform any act and it shall fail to do so upon reasonable notice from the Mayor of the City of Beaumont, of a requirement by the City Council that it should do such act, the city shall have the right in addition to all other rights and remedies herein provided, to do or order the same to be done by, and at the cost of the city, and the cost thereof, with six per cent interest per annum shall be paid to the city by the grantee herein, on demand by the City for the payment thereof; and in the event of failure to make payment thereof to the city within thirty days after demand, said indebtedness shall bear interest until paid at the rate of ten per cent per annum instead of six per cent, and the city shall be entitled after demand to at once sue for and recover judgment against said grantee for the full amount of said indebtedness and interest, and in addition thereto, a penalty amounting to ten per cent of such principal and interest, and all cost of suit.

Sec. 22. This grant shall exist for a term of fifty years from the date upon which this ordinance shall go

into effect, subject to the provisions for forfeiture contained in this franchise; and shall inure to the benefit of the grantee, his heirs, executors, administrators, successors and assigns.

Sec. 23. This franchise shall stand terminated at the end of the term limited by Section 22 of this Ordinance unless it shall be terminated sooner by default of said grantee, its successors ar assigns, as provided in other sections of this ordinance, or by default of said grantee, his successors or assigns, under the provisions of this section as ascertained by a judgment of a court of competent jurisdiction in a suit to which said City of Beaumont and said grantee, his successors or assigns are parties, and in which the forfeiture of this franchise is sought.

This franchise and all amendments thereto under which the grantee, his successors or assigns, may hereafter be operating its lines of railway in the City of Beaumont may be forfeited and so adjudged by decree in a proper proceeding in a court of competent jurisdiction, for the following causes, in addition to all other causes in this ordinance provided, to-wit:

First. Persistent or repeated failure on the part of the grantee, his successors or assigns or their agents, amounting to wilfulness or negligence, to maintain any schedule for local service, or schedules which the City Council may hereeafter establish or which may be established by arbitration pursuant to the provisions of Section 13 of this ordinance; provided, however, a temporary failure to maintain such schedules on account of new construction or reconstruction work on its tracks or foundations thereof, or on account of paving work being done by the city, or on account of strikes reasonably unavoidable failure of power, accidents or other causes beyond the control of said grantee, shall not be a cause for forfeiture of this franchise.

Second. Any fraud or intentional deception or concealment practised by the grantee or its agents in making up and presenting to the city its reports provided for

in Section 25 of this ordinance, shall be a ground for forfeiture of this franchise and all amendments thereof.

Third. The grantee herein shall observe faithfully all the obligations herein assumed by it in accepting this franchise and persistent or continued violation by it of any of the provisions of this ordinance after reasonable notice to remedy or desist therefrom, shall be a ground for forfeiture of this franchise, and all amendments thereof, and all rights and privileges of the grantee thereunder, regardless of any other remedy provided herein or authorized in law or equity.

Sec. 24. That every duty, obligation and restriction herein imposed upon the grantee, shall be deemed to have been assumed by and apply to and be binding upon any person, firm or corporation succeeding to said grantee in the operation of said railway lines; and all rights, claims, liens, remedies, penalties, fines and forfeitures herein provided in favor of the City of Beaumont against the grantee, shall also exist in favor of said city against any successor, receiver or assign of said grantee.

Sec. 25. That for the purpose of enabling the city to determine from time to time the schedules to be maintained on local service under Section 13 hereof, and for enabling the city to frame reasonable ordinances relative to the said grantee and to determine the amount of compensation to be paid under Seceion 35 hereof, the grantee shall make to the City Council annual reports as required by Section 98 of the City Charter of the City of Beaumont, and the City Council may have the books of the grantee audited or cause them to be produced before it for inspection at any meeting, and may call the employees of the grantee or call any person before it to give evidence upon the matters and things then under inquiry, and compel their attendance, as provided in Section 97 of the City Charter; and the grantee shall keep its main office and its books in the City of Beaumont, so that same may be accessible at all times.

Sec. 26. The foregoing grant is made upon the following conditions, viz: The grantee shall commence the

actual construction of said system of railway within twelve months from the date upon which this ordinance shall go into effect, and shall complete and have in operation over said streets, in accordance with the requirements of this franchise, an interurban railway system between the cities of Beaumont and Port Arthur, Texas, within eighteen months from said date, and shall maintain and operate over said interurban railway between the said cities of Beaumont and Port Arthur, regular passenger interurban service, with a schedule between said cities of not less than four passenger trips per day, each way. And, if the said grantee shall fail to commence. in good faith, the construction of said railway within said period of twelve months or shall fail within eighteen months from said date to complete the construction of and put into operation an interurban railway over said streets, in accordance with the requirements of this franchise, and from the City of Beaumont and to and into the City of Port Arthur, Texas, or shall fail to regularly operate on said interurban railway an interurban passenger service of not less than four trips each way per day of 24 hours, then and in such event all the privileges and franchises herein granted shall be forfeited, provided, that in calculating said time, delays occasioned by strikes, unavoidable accidents, and those caused by storms, floods and other acts of God are not to be calculated, and if such delays occur, the time is to be extended accordingly; provided the grantee shall be required to file with the City Secretary of the City of Beaumont its written claim and statement of the time of delay and causes thereof, for which it seeks allowance, which statement shall be filed at the time same occur, and no claim for delay shall be allowed unless filed as aforesaid.

Sec. 27. That in the event grantee, its successors or assigns, shall willfululy or neglegently fail to maintain any schedule or schedules as in this ordinance provided, or which the City Council may hereafter legally establish pursuant to the provisions of Section 13 of this ordinance, (temporary delays on account of new construction or reconstruction work on its tracks or foundations thereof, or

on account of paving work being done by the city, or on account of strikes or reasonably unavoidable failure of power, accidents or other causes beyond the control of said grantee being excepted) said grantee shall forfeit and pay to the City of Beaumont a sum not less than $25.00 nor more than $100.00 for each offense; and each day upon which such willful or negligent default or failure shall occur shall be deemed a separate offense and the City of Beaumont shall have a first lien of the character, extent and priority defined in Section 30 of this ordinance, upon the property of said grantee for the payment of all penalties and forfeitures and such penalties and forfeitures may be recovered by the City of Beaumont in any court of competent jurisdiction. Unless the City Council or Mayor has previously notified in writing the grantee or its manager in Beaumont of the City's intention to invoke the remedy herein provided, the city shall be limited in the recovery of such penalties as accrue after filing of such suit. Nothing herein provided shall deprive the city of the right of forfeiture under the provisions for forfeiture under the provisions for forfeiture in this franchise.

Sec. 28. That in the event the grantee, his successors or assigns, after written notice or warning from the City Council or the Mayor of the City of Beaumont to said grantee, his successors or assigns, shall wilfully or negligently fail to perform any duty imposed upon the grantee by the provisions of this ordinance, said grantee shall forfeit and pay to the City of Beaumont a sum not less than $25.00 nor more than $100.00 for each offense; and each day upon which such willful or negligent default or failure shall occur, shall be deemed a separate offense; and the City of Beaumont shall have a first lien upon the property of said grantee for the payment of all such penalties and forfeitures, of the character, extent and priority defined in Section 30 of this ordinance, and such penalties and forfeitures may be recovered by the City of Beaumont in any court of competent jurisdiction without depriving the city of its right of forfeiture under the provisions for forfeitures in this franchise.

Sec. 29. This ordinance shall become effective upon acceptance at any time after thirty days and within sixty days after the passage hereof, such acceptance to be in writing signed by the grantee and filed with the City Secretary of the City of Beaumont, and to obligate the grantee to pay to the City of Beaumont the sum of two thousand dollars as liquidated damages should he fail to commence the actual construction of said interurban railway in good faith within twelve months after this ordinance goes into effect or should fail to construct, complete and put in operation said interurban railway between the cities of Beaumont and Port Arthur, Texas, in accordance with the requirements of this ordinance within a period of eighteen months after this ordinance goes into effect and said acceptance to be effective shall be accompanied by a good and sufficient bond in the sum of two thousand dollars, with some reliable bonding company as surety or two or more sureties thereon, owning unincumbered real estate in Jefferson County, Texas, subject to execution to the amount of at least four thousand dollars,guaranteeing the payment to the City of Beaumont of said sum of two thousand dollars by the grantee, in the event he became liable therefor as above provided; such bond to be subject to approval by the City Council.

And if the said grantee shall, within the said period of 12 months, in good faith commence the actual construction of said railway, and complete and put the same in operation between said cities, as required by this ordinance, within said period of 18 months, then the said bond shall become null and void and of no further force nor effect; otherwise to remain in full force, effect and virtue and the amount of said bond to-wit $2000.00 shall be forfeited to the City of Beaumont as liquidated damages; in addition to the city's right to declare this franchise forfeited. If this ordinance is not accepted in the time and manner herein provided, the same shall stand cancelled, revoked and repealed.

Sec. 30. That in every case where any sum of money, whether by way of debt, fine, forfeit, penalty or other-

wise, shall be come payable from the grantee to the City of Beaumont under any provision of this ordinance, the same shall be a lien upon all the poles, wires, rails, tracks, cars, franchises and other property of the grantee inthe City of Beaumont, and as to all of said property the lien of the city shall have preference and priority over all mortgages and other liens, except lien for State, County and municipal taxes; and all persons claiming any right or interest in said properties under the grantee whether under contract executed before or after the accrual of such claim in favor of the city, must take notice hereof and postpone their claims to the said claims of the city.

Sec. 31. That the grantee shall at all times make provision for the separation of white and negro passengers upon its cars, in such manner as may be prescribed by the City Council of the City of Beaumont, or by the laws of the State of Texas.

Sec. 32. That the grantee shall hold the city harmless from any damages or injuries to property or persons that may be occasioned by, or in connection with the construction or operation of the grantee's interurban and street railway system, or in connection with the improvement or repairs of said system or in any streets by the grantee.

Sec. 33. The interurban and street railway of the grantee herein, in the City of Beaumont, shall not, as to ownership, control or operation, be consolidated with any other street railway or interurban railway in the City of Beaumont, without the consent of the City Council granted by ordinance duly adopted.

Sec. 34. The terms "City Council" as used in this ordinance, shall be construed to mean the City Council of the City of Beaumont, or other governing body of said city, by whatever name such body shall hereafter be designated.

Sec. 35. That in consideration of the grant of this franchise, the grantee shall, on the first day of February, 1917, and on the first day of February each year there-

after, pay to the City of Beaumont one per cent of its gross receipts of local fares for the carriage of passengers for the year ending December first of the year preceding, and the percentage of gross receipts to be paid by the grantee may be increased by the City Council of the City of Beaumont at any time after the year 1927, to an amount not to exceed two per cent of such annual gross receipts, provided the then net earnings of the grantee reasonably justifies such increase.

By "local fares" within the meaning of this section, is meant all fares of five cents or less collected by the grantee on passenger traffic in the City of Beaumont, and on suburban passenger traffic into the City of Beaumont from its suburbs and out of the City of Beaumont to its suburbs.

It is expressly understood that the payments in this section provided for are by way of a bonus to the City of Beaumont, and not by way of occupation or franchise tax nor tax of any kind; and the same shall in no manner affect or impair the city's right of taxation against the grantee under present or future laws, nor in any manner relieve or exempt said grantee from the payment of any taxes which may be legally imposed.

Provided that this section shall not apply until and unless the grantee shall hereafter obtain permission to, and construct, a line or lines of track for local passenger service on streets other than those specifically named in Section 1 of this Ordinance.

Sec. 36. That so much of the route described in Section 1 as is not now dedicated to the public as streets, the grantee, upon acquiring same as a right of way for its tracks by purchase or condemnation, shall dedicate to the public as a street or streets, subject to his right to use the same for his interurban and street railway under the provisions of this Ordinance.

Sec. 37. This ordinance shall take effect and be in full force from and after date of passage and approval by the Mayor, and lawful publication, and acceptance by the grantee as provided herein.

Passed this the 12th day of September, A. D. 1910. Approved by the Mayor this the 20th day of September, A. D. 1910.

TEXARKANA & FT. SMITH RAILWAY COMPANY.

Beaumont, Texas, May 8, 1911.

Mr. J. G. Sutton,
City Secretary,
Beaumont, Texas.

Dear Sir:

Whereas, there was passed and approved by the Mayor of the City of Beaumont on the 2nd day of May, A. D. 1911, a certain ordinance granting to the Texarkana & Ft. Smith Railway Company a franchise to lay a track to operate trains thereon over and across Finis Street, the caption of which ordinance reads as follows:

"Granting to the Texarkana & Ft. Smith Railway Company, its successors and assigns, for a period of fifteen (15) years the right and privileges to construct and lay a track and operate its trains and cars thereon across Burt Street, and over and along Finis Street to Leonard Street in the City of Beaumont and prescribing the conditions thereof."

This is to notify you that said ordinance is accepted by the said Texarkana & Ft. Smith Railway Company.

Very truly yours,
WEAR, ORGAIN & BUTLER,
By Will E. Orgain,
Attorneys for the Texarkana & Ft. Smith
Railway Company.

AN ORDINANCE.

Granting to the Texas & New Orleans Railway Company, its successors and assigns, for a period of ten years, the right and privilege to construct and lay a track and operate its trains and cars thereon from the south side of South Street along the western side of Second Street to the south side of South Street in a northwesterly direction across South Street entering Lot 12, Block 1, Parkdale Addition, and prescribing the conditions thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That the Texas and New Orleans Railway Company, be and it is hereby granted the right and privilege to construct and maintain at its own expense a single, standard guage railroad track from the south side of South Street along the western side of Second Street to the South side of Laurel Avenue, and also a track from the south side of South Street in a northwesterly direction across South Street entering Lot 12, Block 1, Parkdale Addition. It being understood and agreed that the track herein authorized to be laid from the south side of South Street, thence along Second Street on the west side thereof to the south side of Laurel Avenue is laid as an industrial track for the purpose of reaching commercial and industrial enterprises located along the right of way on which said track is authorized to be laid and it is also understood and agreed that the track authorized to be laid from the south side of South Street in a northwesterly direction across South Street to Lot 12, Block 1, of the Parkdale Addition is laid for the purpose of an industrial track to reach commercial and industrial enterprises that may be located on such property between South Street and Laurel Avenue of said Block 1, Parkdale Addition.

SECTION II.

The grantee, its successors and assigns, shall have the right to operate its trains, engines and cars over said track when done so to further the interests for which this grant is given, as stated in the latter portion of Section 1 hereof.

SECTION III.

That the said grantee, its successors and assigns, shall be required at its own expense to construct and maintain suitable ditches and culverts under its tracks

herein authorized and to construct and maintain good and sufficient crossings at the intersection of such cross streets crossed by said railroad tracks and to keep said street crossings and streets in such condition as not to unreasonably interfere with public traffic thereon.

SECTION IV.

The said railway company shall be further required to construct and maintain said railroad track at the same grade or level as the established grade or level of said streets, so as not to in anywise obstruct the use of same by the public, and shall also within a reasonable time, not exceeding 60 days after the construction of said railroad track, ballast said railroad track between the rails and to a distance of two feet on either side thereof with rock, gravel, shells, sand, cinders or other suitable material, to be determined by the City Council, in such manner that said track may be on a level with said street.

The grant herein given is for a single track only; one of said tracks shall be laid on the western side of Second Street, and the other from south side of South Street in a northwesterly direction across South Street, and shall be laid under the direction of the City Engineer of the City of Beaumont, and should a dispute over said construction arise, the grantee, its successors and assigns, hereby agree to refrain from doing said work until the matter in dispute has been approved by the Street and Bridge Committee of the City Council of the City of Beaumont; provided, that if said committee shall sustain the contention of the City Engineer in said matter, then the grantee, its successors and assigns, shall have the right to submit same to arbitration. The board of arbitrators to be composed of one person selected by the Street and Bridge Committee, one by the grantee, its successors or assigns, and the third by these two and the decision of said board shall be final as to both parties.

SECTION VI.

If the grantee, its successors or assigns, shall at any time during the life of this franchise discontinue the use of the tracks, for which this franchise is granted, for a

period of thirty (30) successive days; this franchise shall then and there terminate and all the rights and privileges herein granted shall revert back to the city, and the grantee, its successors or assigns, shall on notice from the City Council remove its track from the streets, and if same is not done within thirty (30) days thereafter, the City of Btaumont shall have the right to do said work itself and recover of and from the defendant such amount as may be expended by the City of Beaumont on said work plus ten per cent additional as a penalty, and if said amount is not paid within thirty (30) days after the completion of same by the city, an additional ten per cent shall be added as a penalty, and the total of said amount shall draw interest from that date at the rate of ten per cent per annum.

SECTION VII.

The foregoing right and privilege is especially granted upon the expressed condition that the said grantee, its successors and assigns, shall, within thirty (30) days after the passage and approval by the Mayor of this franchise, acting through its proper officer, file with the City Secretary its written acceptance of this ordinance, and depositing with the City Secretary the sum of $20.00, and upon further condition that the tracks to be constructed hereunder shall be completed within sixty (60) days from the passage hereof and on the failure of the grantee, its successors and assigns, to file its acceptance, as provided herein, and depositing the sum of $20.00 then this franchise shall be null and void and become of no further force nor effect. Provided, that the amount herein required to be deposited with the City Secretary is for the purpose of paying the cost of publishing this franchise, as required by the City Charter, and if said sum deposited is of a greater amount than is required to pay for said publication, then the City Secretary shall refund such difference to said grantee, its successors or assigns, and in case said amount is not sufficient, then the City Secretary is required to obtain from the grantee, its suc-

cessors and assigns, such additional amount as is necessary to pay for said publication.

SECTION VIII.

This ordinance shall go into effect and force from and after its passage, approval by the Mayor, filing of its written acceptance and depositing of the sum of $20.00 as provided in Section 7, hereof, and lawful publication as provided in the City Charter and shall continue for a period of ten (10) years thereafter.

Passed this the 6th day of June, A. D. 1911. Approved this the 6th day of June, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

ACCEPTANCE.

Houston, Texas, June 16, 1911.

Mr. Emmett A. Fletcher, Mayor,
Beaumont, Texas.

Dear Sir:

In compliance with Section 7 of Ordinance passed and approved June 6th, 1911, by the City of Beaumont, granting to the Texas and New Orleans Railroad Company the right to construct a track on the south side of South Street, along the west side of Second Street to the south side of Laurel Avenue, and an additional track just west thereof, I hereby notify you, as the act of the Texas & New Orleans Railroad Company, that said ordinance is accepted as written.

Yours truly,
W. B. VAN VLECK.

AN ORDINANCE.

Entitled an ordinance prescribing how bread stuffs, cake, pastry, dried, sliced or preserved fruits, candies,

confectionery, or other perishable food products, except those that are to be pealed, pared or cooked before consumption, shall be kept, sold, offered for sale or displayed outside of any premises in the City of Beaumont, or in any street or public place, and providing a penalty for the violation thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

It shall be unlawful for any person, firm or corporation in the City of Beaumont to keep, sell or offer for sale, or display outside of any premises in the City of Beaumont or in any street or public place and bread stuff. cake, pastry, dried, sliced or preserved fruits, candies, confectionery or other perishable food products, except those that are to be pealed, pared or cooked for human consumption, unless they be kept so covered as to protect them from flies.

SECTION II.

Any person violating the provisions of this ordinance shall, on conviction in the Corporation Court, be fined in any sum not less than $5.00 nor more than $200.00.

SECTION III.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV.

This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and lawful publication.

Passed this the 20th day of June, A. D. 1911. Approved this the 20th day of June, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

AN ORDINANCE.

Entitled an ordinance ordering an election to be held in the City of Beaumont to determine if bonds of said city shall be issued for the purpose of making certain public impovements, naming the time and places of holding said election, and appointing officers thereof, and providing for the manner of holding said election, and the giving of notice thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That an election be held in the City of Beaumont, Texas, on the 11th day of August, A. D. 1911, at which election the following propositions shall be submitted:

SECTION II.

First. Shall the City Council of the City of Beaumont be authorized to issue bonds of said city, hereinafter designated as School House Building Bonds, in the sum of $25,000.00, payable in forty (40) years after date, with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually, and to levy a tax sufficient to pay the interest on said bonds and create a sinking fund sufficient to redeem same at maturity, for the purpose of constructing certain School Buildings in the City of Beaumont.

SECTION III.

Second. Shall the City Council of the City of Beaumont be authorized to issue bonds of said city, hereinafter designated as Sewer Bonds in the sum of Fifty Thousand ($50,000.00) Dollars, payable forty (40) years after date with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi-an-

nually, and to levy a tax sufficient to pay the interest on the said bonds and create a sinking fund sufficient to redeem same at maturity for the purpose of constructing public sewers and necessary laterals within the City of Beaumont, the sewers and laterals to be constructed as follows:

Wall Street to be extended from Railroad Avenue to Avenue C, a distance of 1800 feet.

Long Avenue to be extended from Chandos to Center Street, a distance of 1600 feet.

Mariposa Street from Broadway to South Street, a distance of 1125 feet.

Magnolia Avenue from Caldwell to a distance of 1020 feet.

Park Street south a distance of 1500 feet.

Royal Avenue from Avenue E to Bismarck, a distance of 400 feet.

Bismarck Street to Blanchette Street, a distance of 400 feet.

Orange Street from Lyle to Roberts Street 1700 feet.

And said laterals to be constructed as may hereafter be determined to serve the best interest to the city.

SECTION IV.

Third. Shall the City Council of the City of Beaumont be authorized to issue the bonds of said city, hereinafter designated as Street Improvement and Repair Bonds in the sum of Twenty-five Thousand ($25,000.00) Dollars, payable in forty (40) years after date with the option of redeeming same at any time after twenty (20) years after date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity, for the purpose of Street Improvements and Repairs.

SECTION V.

Fourth. Shall the City Council of the City of Beau-

mont be authorized to issue bonds of said city, hereinafter designated as Jail Bonds in the sum of Fifteen Thousand ($15,000.00) Dollars, payable in forty years after date with the option of redeeming same at any time after twenty (20) years after date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity, for the purpose of building a jail.

SECTION VI.

Fifth. Shall the City Council of the City of Beaumont be authorized to issue bonds of said city, hereinafter designated as Park Bonds in the sum of Sixty Thousand ($60,000.00) Dollars, payable in forty years after date, bearing interest at the rate of five (5) per cent per annum, with the option of redeeming same at any time after twenty (20) years after date, interest payable semi-annually and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity, for the purpose of purchasing, constructing and maintaining public parks either inside or outside of the city limits.

SECTION VII.

Sixth. Shall the City Council of the City of Beaumont be authorized to issue bonds of said city, hereinafter designated as Abattoir Bonds in the sum of $25,000.00, payable forty (40) years after date, with the option of redeeming same at any time after twenty (20) years from date, bearing interest at the rate of five (5) per cent per annum, payable semi-annually, and to levy a tax sufficient to pay the interest on said bonds and to create a sinking fund sufficient to redeem same at maturity, for the purpose of building a City Abattoir.

SECTION VIII.

That said election shall be held at the following places, to-wit:

In the first ward at the Central Fire Station.

In the second ward at the Beaumont City Hall on Main Street.

In the third ward at the Jefferson County Court House.

SECTION IX.

That the following named persons are appointed officers of said election:

In the first ward, H. D. Fletcher and S. B. Cooper, Jr.

In the second ward, P. A. Dowlen and H. C. Schwaner.

In the third ward, Kyle Ward and J. S. Edwards.

SECTION X.

That said election shall be held under the provisions of the State Law governing elections, and only qualified voters, who are property tax payers of said City of Beaumont shall be allowed to vote, and all voters desiring to support the proposition to issue School House Building Bonds, shall have printed on their ballots the words, "For the issuance of School House Building Bonds," and those opposed to the issuance of School House Building Bonds, shall have printed on their ballots the words, "Against the issuance of School House Building Bonds;" and those desiring to support the proposition to issue Sewer Bonds, shall have printed on their ballots the words, "For the issuance of Sewer Bonds," and those opposed to the issuance of Sewer Bonds, shall have printed on their ballots the words, "Against the issuance of Sewer Bonds;" and all voters desiring to support the proposition to issue Street Improvement and Repair Bonds, shall have printed on their ballots, "For the issuance of Street Improvement and Repair Bonds," and those opposed to the issuance of Street Improvement and Repair Bonds, shall have printed on their ballots the words "Against the issuance of Street Improvement and Repair Bonds;" and those desiring to support the proposition to issue Jail Bonds, shall have printed on their ballots the words, "For the issuance of Jail Bonds,"

and those opposed to the issuance of Jail Bonds, shall have printed on their ballots the words, "Against the issuance of Jail Bonds;" and the voters desiring to support the proposition to issue Park Bonds, shall have printed on their ballots the words, "For the issuance of Park Bonds," and those opposed to the issuance of Park Bonds, shall have printed on their ballots the words, "Against the issuance of Park Bonds;" and the voters desiring to support the proposition to issue Abattoir Bonds, shall have printed on their ballots the words, "For the issuance of Abattoir Bonds," and those opposed to the issuance of Abattoir Bonds, shall have printed on their ballots the words, "Against the issuance of Abattoir Bonds."

SECTION XI.

That a copy of this ordinance signed by the Mayor of the City of Beaumont and attested by the City Secretary shall serve as proper notice of said election and the Mayor is directed to cause said notices to be posted up at each of the places designated for holding said election at least thirty (30) days prior to the date of said election.

SECTION XII.

This ordinance shall go into force and effect from and after its passage, approval by the Mayor and lawful publication.

Passed this the 5th day of July, A. D. 1911. Approved this the 5th day of July, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

AN ORDINANCE.

Entitled an ordinance providing rules and regulations for the construction and house connections with the water and sewer system in the City of Beaumont, Texas, and house plumbing for the government of plumb-

ing of said City of Beaumont, and providing penalties for their violation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That the following rules and regulations be and the same are hereby adopted for the construction, maintenance and repairs of plumbing and house connections with the sewer and water system in the City of Beaumont, and for the government of plumbing in and for said city.

RULE 1.

It shall be unlawful for any person to carry on the trade of plumbing in the City of Beaumont, unless he shall have filed a bond in the sum of $1000.00 with good and sufficient sureties or some good surety bonding company; said bonds to be approved by the City Council of the City of Beaumont.

RULE 2.

All non-resident master plumbers who shall undertake to do plumbing work in the City of Beaumont shall, before doing said work, file a bond in the sum of $1000.00 with two or more good and sufficient sureties or with some bonding cimpany as surety, conditioned that he will do all work in the city in conformity with the ordinances or rules and regulations of the City of Beaumont regarding plumbing and drain laying.

RULE 3.

No bonded plumber shall allow his name to be used by any person, firm or corporation, directly or indirectly, either for the purpose of obtaining a permit or to do any work under his bond.

One verticle drawing will be sufficient for a building.

RULE 4.

The drainage and plumbing of all buildings, both public and private, in the City of Beaumont, shall be executed in accordance with plans previously approved by the Sewer and Plumbing Inspector of said City. Suitable drawings and descriptions of said plumbing and dainage shall in each case be submitted.

RULE 5.

Drawings and complete descriptions of all plumbing and drainage shall be filled in with ink on forms furnished by the inspector and shall be filed by the master plumber in the office of the inspector.

RULE 6.

One verticle drawing will be sufficient for a building when it can be made to show all work. If the work is intricate and cannot be shown by one drawing, two or more should be used.

RULE 7.

Plans will be approved or rejected within two days from the time of filing. And the said plumbing and drainage shall not be commenced or proceeded with until said drawings and descriptions shall have been so filed and approved by the inspector.

RULE 8.

After the plans have once been approved, no alteration of the same will be allowed, except on written application of the owner, architect or master plumber. All information or ruling from the inspector shall be made in writing.

RULE 9.

Repairs and alterations of plumbing and drainage may be made without the filing and approval of draw-

ings and descriptions; but said repairs or alterations shall not be constructed to include cases where new verticle or horizontal lines of soil or waste pipes are proposed to be used. Notice of said repairs or alterations shall be filed in the office of the inspector, before the same are connected, in all cases except where leaks are stopped or obstructions are removed. Said notice shall consist of a description in writing of the work to be done, of the location of the property where the same is executed, and the name and address of owner.

RULE 10.

Written notice must be filed in the office of the inspector by the master plumber five hours before any work is ready for inspection. No part of the work shall be covered until it has been examined and approved by the inspector.

RULE 11.

The entire plumbing and drainage system within the building shall be tested by the master plumber, in the presence of the inspector, under a water test. The plumber shall securely closet all openings, as directed by the inspector. The material and labor for the test shall be furnished by the master plumber.

RULE 12.

All material shall be of good quality and free from defects. The work shall be executed in a workmanlike manner.

RULE 13.

All cast iron pipe used in buildings over fifty feet in ceiling height above the curb, shall be of the grade known as extra heavy, which weighs as follows:

Two inches, 5 1-2 pounds per lineal foot; 3 inches, 9 1-2 pounds per lineal foot; 4 inches, 13 pounds per lineal foot; 5 inches, 17 pounds per lineal foot; 6 inches, 20 pounds per lineal foot; 7 inches, 27 pounds per lineal foot; 8 inches, 33 1-2 pounds per lineal foot; 10 inches,

45 pounds per lineal foot; 12 inches, 65 pounds per lineal foot.

RULE 14.

All lead supply pipes shall not be lighter than extra strong lead. All lead waste and vent pipes shall not be lighter than lead, which weighs as follows:

FOR SUPPLY PIPES.

3-8 inch, 1 pound 8 ounces per lineal foot; 1-2 inch, 2 pounds per lineal foot; 5-8 inch, 2 pounds 12 ounces per lineal foot; 3-4 inch, 3 pounds 8 ounces per lineal foot; 1 inch, 4 pounds 12 ounces per lineal foot; 1 1-4 inch, 7 pounds per lineal foot; 1 1-2 inch, 8 pounds per lineal foot; 2 inches, 9 pounds per lineal foot.

FOR WASTE AND VENT PIPES.

1 1-4 inches, 3 pounds per lineal foot; 1 1-2 inches, 4 pounds per lineal foot; 2 inches, 5 pounds per lineal foot; 3 inches, 5 pounds per lineal foot; 4 inches, 8 pounds per lineal foot.

RULE 15.

All joints or seams on lead or between lead and brass shall be soldered by wiped joints.

Rubber couplings or slip connections shall not be used on any waste or on sewer side of trap, vent or water pipe of any fixture.

CONSTRUCTION OF WORK.

Definition of Terms:

The term "House Drain" is applied to that part of the main horizontal drain and its branches inside the walls of the building and extending to and connecting with the house sewer.

The term "Soil Pipe" is applied to any vertical line of pipe extending through the roof, receiving the

discharge from any of one or more closets with or without other fixtures.

The term "Waste Pipe" is applied to any special pipe extending through the roof, receiving the discharge from any fixtures except water closets.

The term "Verm Pipe" is applied to any special pipe provided to ventilate the system and to prevent trap siphonage and the back pressure.

RULE 16.

Drains and soil pipes through which water and sewerage is used and carried shall be of cast iron, when within a building, and to a distance of five feet outside of the foundation walls thereof. They shall be securely ironed to walls, laid in trenches of uniform grade, or suspended to floor timbers by strong iron hangers. They shall have proper fall toward sewer.

RULE 17.

When tile is used for the house during————? feet from the foundation walls, it must be laid in a trench out to uniform grade. The ends of the pipe must first be welded and space between hub and end of next section of pipe completely filled with best quality of hydraulic cement. A scraper or wiper must be used after cement is applied to each joint, and before the next section is laid to remove any cement that may have been forced into the pipe. Both ends of the house drain must be left open for the inspector to roll a rubber ball through it, from the highest point. No vitrified sewer pipe shall come nearer the surface than 12 inches, in this case cast iron shall be substituted.

RULE 18.

Soil and waste pipe shall be carried out through the roof, open and undiminished in size, to such a height as may be directed by the inspector, but no soil or waste pipe shall be carried to a height less than one foot above

the roof, or building, dwelling or outhouse, except when they would open within twenty feet of any door, window or aid shaft, they must be attached to main or adjoining building, then carried above roof.

RULE 19.

Hand hole openings four inches in diameter shall be provided on all soil, waste or drain pipes laid beneath the ground; said openings to be required of each branch and bend, and if they do not project above the floor, manhole must be provided in order to give access to same.

RULE 20.

Changes in direction shall be made with "Y" branches and one-eighth or one-sixteenth bends. Offsets and 90 degrees fittings will not be allowed on any soil, drain or vent pipe, only when unavoidable. Short Y-Y branches will be permitted on vertical lines of soil or waste pipe only, but may be used on horizontal lines of vent pipes.

RULE 21.

Every sewer connection shall have a fresh air inlet not less than four inches internal diameter, entering the drain between the main tran and all house connections, and cleanout on sewer side of trap.

RULE 22.

Sewer, soil and waste pipe ventilators shall not be constructed of sheet metal, earthenware or wrought iron pipe, and chimney flues shall not be used as such ventilators.

RULE 23.

Connections and lead pipe with iron pipe shall be made with brass or combination ferrules or brass soldering nipples properly soldered by wiped joint, and caulked or screwed to iron pipe. Driven ferrules will not be allowed.

RULE 24.

Joints between cast iron pipes shall be packed with oakum or hemp, run with molten lead, properly caulked and made tight.

RULE 25.

the arrangement of soil and waste pipes shall be as directed as possible.

RULE 26.

The size of soil and waste pipes shall not be less than those given in the following table, and shall be of cast iron or lead. Main and branch soil pipes, four inches in diameter. Kitchen sinks, urinals, laundry and bath tubs one and one-half inch in diameter, slop sinks two inches in diameter, lavatories and pantry sinks one and one-quarter inches in diameter.

RULE 27.

Every kitchen sink in hotels, boarding houses and restaurants connected with the city sewer system shall be provided with a grease interceptor. The size of said trap to be not less than 12 inches, in which the size of the grease interceptor shall be fixed by the inspector.

RULE 28.

No steam, exhaust or blow off pipe from any boiler will be allowed to connect with the house drain; they should discharge into the tank or condenses, the waste from which should pass through a deep seal trap then into sewer.

RULE 29.

Safe, refrigerator waste, or sediment drain of any hot water boiler shall not connect directly with any soil, waste or vent pipe.

RULE 30.

Each fixture must have separate trap as near fix-

ture as possible, and no trap shall be set more than eighteen inches from any fixture.

RULE 31.

All traps must be protected from siphonage and back pressure by special vent pipe if said trap is eighteen or more inches from vertical waste pipe.

RULE 33.

All vent pipes must be of lead or cast iron joined as in Rule 23.

RULE 34.

All vent connections in fixture trap, except slop sinks and waste closets, shall be made with lead pipe properly wiped to brass solder nipple, brass or combination ferrule screwed or caulked to iron pipe.

RULE 35.

The traps of water closets shall be vented by two-inch pipe taken out of soil pipe as near fixture as possible, except as hereinafter provided. Where there is only one water closet on a line of soil pipe or vent is required, providing it is within two feet of a four-inch vertical stack. But where there are two water closets located on the same floor and both are within two feet of the stack, either one of the closets must be vented. Where two or more closets discharge into the same vertical soil pipe on different floors, a separate vent connection must be provided for the trap for the lower closets, which may connect with the soil pipe above the upper water closet.

RULE 36.

Vent pipes may be combined by branching together and increasing in size, and then carried into soil pipe above the highest fixture, or continued above the roof.

The sizes of combined vent pipes shall not be smaller than those given in the following tables:

One and one-half inch main vent will carry three 1 1-4 inch branches.

Two-inch main vent will carry two 2-inch and one 1 1-4-inch branches.

Three-inch main vent will carry five 2-inch and two 1 1-2-inch branches.

Four-inch main vent will carry eight 2-inch and six 1 1-2-inch branches.

RULE 37.

All water closets shall have flushing rim bowls. Pipe wash bowls, pan plunger, long hopper or direct supplies of any kind, or closets having an unventilated space or whose walls are not flushed at each discharge will not be allowed.

RULE 38.

Enameled iron hoppers shall be properly caulked with lead or cast iron soil pipe.

RULE 39.

All water pipes laid in streets shall be parallel with and not less than three feet from the curb line, and shall be 36 inches below the grade of said street.

RULE 40.

Whenever any application shall have been filed with any plumber authorized to receive same for the purpose of making connections with the sewerage system, or water works in the City of Beaumont, it shall be the duty of said plumber to construct and complete such connection without unreasoable delay and with all possible speed. Any master or employing plumber who shall fail to make such connection within a reasonable time and with all possible speed by reason of his own neglect or by reason of a request or desire of the parties from whom such connection is to be made, or who shall withdraw the application made by him to do such work without permission of the Sewer and Plumbing Inspector, shall forfeit his bond to do any work within the City of Beaumont within one year and such bond shall be revoked by the City Council.

SECTION II.

Any person found guilty of violating any of the foregoing rules, shall upon conviction thereof in the Corporation Court be fined in any sum not less than $5.00 nor more than $200.00, unless a different punishment is fixed by the Laws of the State of Texas, in which case the penalties as here fixed shall not be applicable, but such person shall be prosecuted under the laws of the State of Texas and fined as thereby provided.

SECTION III.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV.

This ordinance shall take effect and be in full force from and after its passage, approval by the Mayor and lawful publication.

Passed this the 5th day of July, A. D. 1911. Approved this the 5th day of July, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

AN ORDINANCE.

Entitled an ordinance creating the office of Sewer and Plumbing Inspector of the City of Beaumont, describing the duties thereof; providing for its maintenanc. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

The office of Sewer and Plumbing Inspector of the City of Beaumont is hereby created. Such office shall

be filled by appointment by the Mayor and approved by the City Council. The Sewer and Plumbing Inspector shall receive such compensation for his services as the City Council may from time to time designate and same may be increased under the tenure of his office but not diminished.

The Sewer and Plumbing Inspector shall be a person properly qualified for the duties of his office.

SECTION II.

The Sewer and Plumbing Inspector shall enter into a bond payable to the Mayor of the City of Beaumont and his successors in office, with two or more good and sufficient sureties or with some bonding company as surety in the sum of $1000.00, said bond to be approved by the City Council, conditioned that the said Sewer and Plumbing Inspector shall pay to the City of Beaumont all monies collected by him for its use and benefit as required by the ordinances of the City of Beaumont, and shall perform all the duties of the office.

SECTION III.

It shall be the duty of the Sewer and Plumbing Inspector to pass on all plans submitted for any plumbing and drainage work, to keep a daily record of his work, including all notices and applications received, and violation of any of the rules, regulations or ordinances of the city relative to plumbing and drainage. He shall inspect all houses in course of erection, alteration or repair, as often as may be necessary; and shall see that all work for plumbing, drainage and ventilation is done in accordance with the ordinances, rules and regulations for same.

The Sewer and Plumbing Inspector will inspect all sewer connections and external house drains within 5 hours after notification from the master plumber, Sundays and holidays excepted, and all waste and vent pipes and other inside plumbing within 24 hours after notification, Sundays and holidays excepted.

Should the Sewer and Plumbing Inspector fail to comply with the above requirements, the plumber doing the work shall file with the Mayor a written statement that the inspection was made within the above mentioned time.

It shall be the duty of every plumber to deposit with the Sewer and Plumbing Inspector the amount to cover the cost of inspection and unless this be done the Sewer and Plumbing Inspector shall refuse to inspect the work.

Inspection fees shall be 2 per cent of the contract price of the job up to $500.00, and 1 per cent additional for all over $500.00, with a minimum fee of $1.00.

The Sewer and Plumbing Inspector shall also perform such other services as may be required of him by the City Council.

SECTION IV.

All ordinances in conflict herewith are hereby repealed.

SECTION V.

This ordinance shall go into effect and be in full force from and after its passage, approval by the Mayor and lawful publication.

Passed this the 5th day of July, A. D. 1911. Approved this the 5th day of July, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

AN ORDINANCE.

Whereby the City Council of the City of Beaumont grants the Beaumont Wharf & Terminal Company, its successors and assigns, the right to lay its railroad track and operate its railroad over, upon and across Franklin Street within the corporate limits of the City of Beaumont, and imposes certain conditions in respect thereto.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That the Beaumont Wharf & Terminal Company, in its own right and the right of its successors and assigns, is hereby granted the right of way for and authority to lay, construct, own, maintain and operate its railroad and railroad tracks over, on and across the following street, within the city limits of the City of Beaumont, as follows, to-wit:

On, over and across Franklin Street, beginning at a point where the southern boundary line of the right of way of the Beaumont Wharf & Terminal Company intersects the north line of Franklin Street; thence in a southeasterly direction across said Franklin Street to a point in the south line of said street is intersected by the north eastern property line of the property of the Beaumont Gas Light Company, as more fully shown by the map hereto attached, marked "Exhibit A" and made a part hereof.

SECTION II.

The obligation is hereby imposed upon the Beaumont Wharf & Terminal Company, its successors and assigns, to surface said track laid and constructed on and across said street, to grade to the level of said Franklin Street with sand, crushed rock, shell, brick or other suitable material as the City Council may require and direct from time to time; and in the event that at any time the city may undertake to construct public sewers underground intersecting such track, the Beaumont Wharf & Terminal Company binds itself, and it is hereby obligated to pay for such of said sewerage that underlies such track intersected by such public sewers, and the said Beaumont Wharf & Terminal Company likewise shall be liable to construct, build and maintain such ditches and culverts as may be directed by the City Council to properly drain such portion of said Franklin Street occupied by the said crossing of the Beaumont Wharf & Terminal Company,

and to do and perform all and every act and thing required by the Charter of the City of Beoumont, and the ordinances duly passed by the City Council regulating the laying, constructing and maintaining of railroad tracks in said City of Beaumont.

SECTION III.

The rights, authority and privileges hereby ordained and granted to the Beaumont Wharf & Terminal Company, its successors and assigns, shall subsist and be vested in said company, its successors and assigns, for the period of ten (10) years from the date of the final passage hereof by the City Council. The said Beaumont Wharf & Terminal Company shall, within thirty days of the final passage of this ordinance, file with the City of Beaumont an instrument in writing accepting the benefits of this ordinance, upon and subject to the terms hereof.

SECTION IV.

The provisions of this ordinance shall take effect and be in force, subject to the conditions thereof, from and after its final passage and acceptance, approval by the Mayor and lawful publication.

Passed by the City Council this the 5th day of July, A. D. 1911.

Approved by the Mayor, this the 5th day of July, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:
J. G. SUTTON,
City Secretary.

Beaumont, Texas, July 19th, 1911.

Mr. J. G. Sutton,
City Secretary,
Beaumont, Texas.

Dear Sir:

This acknowledges receipt of copy of ordinance

granting franchise to the Beaumont Wharf & Terminal Company, allowing the Beaumont Wharf & Terminal Company the right to lay its railroad track and operate its railroad over and across Franklin Street. This is to advise you that the terms and conditions of said ordinance are satisfactory and that same is accepted.

Yours truly,

J. A. GLEN,

Vice President and Superintendent.

AN ORDINANCE.

Entitled and ordinance levying and assessing as a tax upon the lots, parts of lots, blocks, or tracts of land where not divided into lots or blocks, fronting or abutting on Main Street from Forsythe Street to and across Washington Street, and on Washington Street from Main Street to Pearl Street, in the City of Beaumont for two-thirds (2-3) the cost of paving and all the cost of curbing Main Street from Forsythe Street to Washington Street and Washington Street from Main Street to Pearl Street, and declaring said tax a lien upon said property, and a personal charge upon the owner or owners thereof, and providing a time when said tax shall become due and payable.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

SECTION I.

That upon the property fronting or abutting upon Main Street from Forsythe Street to and across Washington Street and upon Washington Street from Main Street to Pearl Street, in the City of Beaumont, there is hereby levied and assessed as a tax two-thirds (2-3) of the cost of paving and all the cost of the curbing on said Main Steet from Forsythe Street to and across Washington Street and Washington Street from Main Street to Pearl Street in the City of Beaumont, exclusive of that

portion paved by railroads and street railways and all street intersections.

The lots, parts of lots, blocks or tracts of land on which said tax is levied and assessed is hereinafter described, together with the number of feet front in such lot, parts of lots, blocks or tracks of land, the name or names of the owner or owners thereof and the proportionate amount of the cost of said paving and the cost of said curbing to be borne and paid for by such owner or owners as shown by the roll prepared by the City Engineer of the City of Beaumont, which said amount is hereby levied and assessed as a tax upon such lot, part of lot, blocks or tracts of land, as shown, to-wit:

APPROXIMATE ESTIMATE PAVING WASHINGTON STREET FROM MAIN STREET TO PEARL STREET ON 6-INCH CONCRETE FOUNDATION.

	Lot	Blk.	Feet Frt.	Paving Sq. Yds.	Amt.	Lin. Ft. Curb'g	Amt.	Total
Kirby Lumber Co.	30 to 31 Inc.	10	300	424.60	$1075.50	340	$170.00	1245.50
Alex Broussard	37	11	60	84.92	215.90	60	30.00	245.90
C. T. Heisig	38 to 41 Inc.	11	240	339.68	1004.64	260	130.00	1134.64
T. & Ft. S. Ry. Co.				739.15	2032.70			2032.70
T. & Ft. S. Ry. Co.				61.11	168.05	260		168.05

APPROXIMATE ESTIMATE PAVING MAIN STREET FROM FORSYTHE TO AND ACROSS WASHINGTON, ON 6-INCH CONCRETE FOUNDATION.

	Lot	Blk.	Feet Frt.	Paving Sq. Yds.	Amt.	Lin. Ft. Curb'g	Amt.	Total
W. W. & R. A. Farnsworth	573	6	60	91.33	$251.16	80	$40 00	$291.16
W. J. Giles	572	6	60	91.33	251.16			251.16
R. C. Davant	571	6	60	91.33	251.16	60	30.00	281.16
B. F. Zellars	570	6	60	91.33	251.16	60	30.00	281.16
J. J. Hebert	569	6	60	91.33	251.16	80	40.00	291.16
Mrs. C. A. Ogden	563 to 560 Inc.	5	240	365.32	1004.64	240	130.00	1134.64
Mrs. Kate M. Peck	559	5	60	91.33	251.16	80	40.00	291.16
M. Delaune	58	12	120	182.66	502.32	140	70.00	572.32
F. A. Doyle, Admr.	60	12	60	91.33	561.16	60	30.00	281.16
A. D. Carroll	49	12	120	182.66	502.32	140	70.00	572.32
Alex Broussard	48	11	60	91.33	251.16	60	30.00	281.16
T G. Watson Est.	46	11	120	182.66	502.32	140	70.00	572.32
Alex Broussard	37	11	120	182.66	502.33	140	70.00	572.32
T. & N. O. Ry. Co.				1083.33	2979.16			2979.16

SECTION II.

That tax so levied and assessed shall become due and payable upon the completion of the paving upon which the portion of said streets on which lots, parts of lots, blocks or tracts of land front or abut or front.

SECTION III.

That all the cost of grading and paving that portion of Main Street and Forysthe Street to and across Washington Street between the rails of the Texas and New Orleans Railway Company and a space extending twenty-four inches beyond the outer edge of the rails of said company shall be borne by the said Texas and New Orleans Railway Company and such cost of said improvements are hereby assessed against the Texas and New Orleans Railway Company and shall be collected as other assessments levied under this ordinance. Provided such work shall be done in accordance with the City Ordinances regulating the construction of railways in the streets of the City of Beaumont, and the paving of such streets traversed by same.

SECTION IV.

That all the cost of grading and paving that portion of Washington Stret from Main Street to Pearl Street between the rails of the Texarkana & Ft. Smith Railway Company, and a space extending twenty-four inches beyond the outer edges of the rails of said company and including the space between the double tacks, sidetracks and turnouts shall be borne by said Texarkana & Ft. Smith Railway Company and shall be collected as other assesments levied under this ordinance. Provided such work shall be done in accordance with the City Ordinances regulating the construction of rairoad tracks in the streets traversed by same.

SECTION V.

That the amount of the tax hereby levied and assessed, together with the cost of collecting same is here-

by declared a lien against the said lots, parts of lots, blocks or tracts of land, and against the Texas and New Orleans Railway Company and the Texarkana & Ft. Smith Railway Company and shall be a personal charge or claim against the owner or owners thereof, and against the said Texas and New Orleans Railway Company and the Texarkana & Ft. Smith Railway Company.

SECTION VI.

This ordinance shall take effect and be in full force from and after its pasage, approval by the Mayor and lawful publication.

Passed this the 18th day of July, A. D. 1911. Approved this the 18th day of July, A. D. 1911.

EMMETT A. FLETCHER,
Mayor.

ATTEST:

J. G. SUTTON,
City Secretary.

Extracts From State Laws

(From Penal Code).

Extracts From State Laws

(From Penal Code.

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